



**MEETING OF THE  
MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**A G E N D A**

**THIS MEETING HAS BEEN POSTPONED UNTIL 1 OCTOBER 2019 AT  
11:00**

<b>DATE:</b>	<b>26 SEPTEMBER 2019</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**4 September 2019**

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 26 September 2019 at 10:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

**S MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 26 SEPTEMBER 2019**

**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 August 2019**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 1926, SAFFRON CRESCENT, VERMONT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF FOXMORE INVESTMENTS CC**

Report attached.

**4.2 ERF 3293, 17 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP ON BEHALF OF AL AND JA VAN WYK**

Report attached.

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**26 September 2019**

**I N D E X**

<u>ITEM</u>		<u>PAGE NUMBER</u>
	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	
4.1	<b>ERF 1926, SAFFRON CRESCENT, VERMONT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF FOXMORE INVESTMENTS CC</b>	<b>1</b>
4.2	<b>ERF 3293, 17 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP ON BEHALF OF AL AND JA VAN WYK</b>	<b>90</b>

## 4.1

**ERF 1926, SAFFRON CRESCENT, VERMONT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF FOXMORE INVESTMENTS CC**

1926 HVM (3997)

H Olivier

24 July 2019

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application was received on 11 May 2018 from Messrs WRAP on behalf of Foxmore Investments CC on Erf 1926, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- rezoning in terms of Section 16(2)(a) of the above-mentioned By-Law from Residential Zone I : Single Residential (SR1) to Subdivisional Area (SA);
- subdivision in terms of Section 16(2)(d) of the abovementioned By-Law, read with Section 22 to create -
  - Nine (9) Residential Zone I erven,
  - Eight (8) General Residential Zone I erven,
  - One (1) Open Space Zone II (public open space) erf, and
  - One (1) Transport Zone II (public road) site.
- departure in terms of Section 16(2)(b) to relax internal street and lateral building lines applicable to the new General Residential Zone I erven to be created, as indicated on the submitted plan, as indicated below.

Erf	Applicable Boundary	Proposed Use	From	To	Proposed Zoning
7	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
7	Western Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
7	Western Lateral Boundary	Outbuilding	3m	0m	GR1
8	South Western Lateral Boundary	Dwelling / Outbuilding	3m	2m	GR1
8	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
9	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
9	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
10	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
10	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
11	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
11	Eastern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
11	Eastern Lateral Boundary	Outbuilding	3m	0m	GR1
11	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1

12	Eastern Rear Boundary	Dwelling / Outbuilding	3m	1m	GR1
12	Eastern Rear Boundary	Outbuilding	3m	0m	GR1
12	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
13	Eastern Rear Boundary	Dwelling / Outbuilding	3m	1m	GR1
13	Southern Lateral Boundary	Outbuilding	3m	0m	GR1
13	Southern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
13	North Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
14	Southern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
14	Southern Lateral Boundary	Outbuilding	3m	0m	GR1
14	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
14	Northern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

Erf 1926, Vermont is zoned Residential Zone I and is vacant land. The property measures approximately 10011m<sup>2</sup> in extent.

## 4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ Departure for building lines is made to relax the 5m street building lines and 3m side building lines around the Group Housing erven as existing building lines makes the development of these erven very difficult.
- ❖ There are no restrictive conditions in the Title Deed prohibiting the development.
- ❖ The proposal is in line with surrounding developments with a clustering of Group Housing pockets for 30% of a land portion, and 70% for Single Residential erven.
- ❖ Single Residential erven will be a minimum of 600m<sup>2</sup> and Group Housing erven 350m<sup>2</sup>.
- ❖ National Heritage Legislation was triggered and therefore an application was submitted in terms of the National Heritage Resources Act.
- ❖ An Environmental Study was prepared for the development.
- ❖ The development can link to the Eskom electricity network.
- ❖ GLS was requested to do an investigation on the capacity in the area for water infrastructure and provision and sewerage.
- ❖ Access to the development will be via the existing Saffron Crescent.
- ❖ The new development will have no negative impact on health and improve safety due to additional surveillance.

- ❖ The development will enhance the visual setting of the area.
- ❖ The development is in line with the aims of the Provincial Spatial Development Framework.
- ❖ The development is in line with the aims of the Overstrand Municipality Spatial Development Framework, 2006 (SDF) promoting urban growth within the existing urban edge, providing for residential opportunities.
- ❖ The proposal is in line with the Overstrand Municipality Growth Management Strategy, 2010 (GMS) by enhancing the quality and efficiency of the built environment.
- ❖ The development will comply with the Planning Principles in terms of Section 42 of SPLUMA as follows:

Spatial Justice

The development will increase employment opportunities particularly to the economically marginalised.

Spatial Sustainability

The development will promote a diversity of densities which will cater for different income groups.

Efficiency

The potential of the property will be optimized, within the prevailing character of the area.

Spatial Resilience

The application is in line with all policy documents, which all promote spatial resilience.

Good Administration

The Municipality followed a public participation process in which the applicant also took part and commented.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	19 July 2018	24 August 2018
Notices	Yes	19 July 2018	24 August 2018
Ward councillor	Yes	19 July 2018	24 August 2018
Total comments	<b>SIX (6)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?	N/A
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## 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Environmental Management	31/07/2019	Recommend the Open Space be a Private Open Space.	Positive
Building Control	29/08/2018	Supported	Positive
Telkom	13/09/2018	See Annexure F.	Positive
Eskom	29/07/2018	See Annexure G.	Positive
Engineering Services	27/03/2018	See Annexure H.	Positive
Western Cape Government : Environment & Development Planning (ROD)	20/06/2018	See Annexure I.	Positive
Operational Services	31/07/2018	See Annexure J.	Positive
Fire Department	27/08/2018	See Annexure K.	Positive
Heritage Western Cape	28/06/2018	See Annexure M.	Positive
Overberg District Municipal Health	31/08/2018	See Annexure N.	Positive

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

Five (5) letters of objection were received. One (1) late letter of objection was also received from CH van Zyl. The objections can be summarised as follows:

1. Saffron Crescent is very narrow and in bad state, and to use it for access to seventeen (17) additional erven would worsen the impact. There is also no place for vehicles to park next to the road.
2. There is a service servitude on the southern side of Erf 1926, which is not indicated and accommodated in the site development plan.
3. The road name refers to Crescent, and this proposal will make it impossible to create a Crescent, therefore cost will occur to change the name.

4. Residents in Saffron Crescent did not receive a registered notice via mail (PJ Myburgh/ML van Heerden/ME Stander), and the Municipality should have taken additional steps to inform residents of the application.
5. The open space would not be practical or accessible to residents, and should be more centrally placed in the development.
6. It was the impression that Saffron Crescent would be developed as a crescent with 26 to 30 Single Residential erven, now it will be a cul-de-sac with 17 additional units which would lead to increased traffic.
7. Access should be obtained to the erf during construction phase and on a permanent basis from Olienhout Street or Malmok Crescent to be linked and limit traffic impact.
8. This higher type of densities is only found north-west of the existing area and will have a negative impact on the character of the area.
9. The increased density creates concerns about impact on the storm water drainage.
10. The departure to relax the Single Residential erven building lines will impact on the character of the area.
11. Will the town housing development be in line with the prevailing visual setting in Vermont, otherwise it could have a major impact on property values in the area.
12. The departure to relax the building lines is due to the fact that the development is too dense and therefore units cannot be placed within building lines. This is a mockery of existing rules.
13. Adjacent erven will be impacted by relaxation of the building lines.
14. Is the turning circle big enough for large service vehicles?

## 8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant was provided an opportunity to respond to the objections. The response can be summarized as follows:

1. There is a 10m road reserve and 6m wide road surface, which is sufficient for two (2) cars to pass each other. The developer will construct the new road in the development, but the Municipality is responsible for all maintenance, therefore concern about the road surface should be directed to the Engineering Department.
2. The servitude was never registered in the Title Deed. The position of the services has been identified, and it is recommended that the developer of the adjacent property see to the registration of the servitude in the Title Deed.
3. The change of the road name will be to the discretion of the Municipality. This has no bearing on the town planning application.
4. Nor Overstrand Municipality or Messrs WRAP has any control over post office strikes. The application was also advertised in the Hermanus Times. Due to the social fabric in Vermont residents spread information about the application by word of mouth.
5. Public Open Space may not be walled and used for private purposes. All open spaces will still be accessible from both sides of Saffron Crescent. The position of the open space was chosen to provide a large functional open space.
6. The developer of this area might have envisaged a different development in 1985, but since then development trends have changed significantly. The proposal would however not undermine the land use rights of the objectors, or lead to a greater impact on traffic.
7. The municipal Engineering Department does not allow any direct access of Malmok Street. During construction phase building material will be delivered from

Malmok Street side. It is not foreseen that the development will have a major impact on traffic increase.

8. The property found to the west of Erf 1926 followed the same pocket development. The density is therefore in harmony with the prevailing character of the area.
9. The engineering reports prepared indicate that there are sufficient bulk services available to accommodate the development and for design of new services.
10. There is no departure applications applied for on the Single Residential Zone I erven.
11. The applicant is compelled to submit harmoniously designed plans as it is a requirement in terms of the town housing definition. There is also no proof that it has a negative impact on property values in this area.
12. 5m Street and 3m rear and side boundary building lines around the town housing erven will make their development footprints impractical. There are also other developments in Vermont that were approved in the same manner, so the departure application will not undermine existing rules.
13. The departure to adjacent properties is only up to 1m. The adjacent owners of indicated adjacent residential erven also did not object.
14. The turning circle is 20m wide and complies with municipal standards.

#### **9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

It is to be noted that after the applicant commented on the objections, the layout plan changed due to Department of Environmental Affairs and Development Planning's (DEA&DP) requirements. The Town Planner's response will relate to the new layout plan.

1. The applicant's response is supported as the road was designed with a 10m width so that it can deal with the traffic of the area.  
The fact that the Engineering Services Department supports the application also indicates that the road width is sufficient to deal with the additional traffic.  
If residents are concerned about the quality of the road surfaces of municipal roads, they must report it to the Municipal Operational Department.
2. The applicant is correct in that the service servitude is not registered in the property's Title Deed. In terms of the Municipal Operational Department there is a sewer line traversing Erf 1926 on the southern side. The conditions by the Engineering Department indicate that servitudes will have to be registered over all municipal services.
3. At this stage Saffron Crescent is also two (2) road portions and the new layout will therefore not be different than the existing situation.
4. A public participation process was duly followed in terms of relevant legislation, and it is impossible for the Municipality to determine what impact a strike at a Post Office will have on postal deliveries. As indicated by the applicant, the application was also advertised in the media, and residents did become aware of the application considering five (5) residents in the area responded to the application.
5. The applicant responded in terms of the original site development plan submitted, but due to DEA&DP's RoD the Open Space now moved closer to the cul-de-sac, where the higher density Group Housing units are proposed. This to a certain extent is in line with the recommendation of the objector who felt the open space must be closer to the new cul-de-sac.
6. The applicant's opinion that the planning for areas changed in approximately a thirty (30) year period since Vermont was developed, is supported. There are many similar developments in the area. The proposed development would not

necessarily lead to a major increase of traffic, as the proposed cul-de-sac will provide that approximately twenty five (25) dwellings will obtain access via this portion of Saffron Crescent. If Saffron Crescent was connected with the road portion to the east, all traffic of possibly between twenty six (26) to thirty (30) units would also have used the road, and it would be used as a thoroughfare, which could have had a greater impact.

7. The Municipal Engineering Department does not want to support any further direct access off Malmok Street, as it has become a major residential distributor road. The existing layout of Olienhout Street and Saffron Crescent does not allow for any other access to the northern portion of Erf 1926, other than via the two (2) portions of Saffron Crescent. The fact is Saffron Crescent is the only way to provide access to all parts of Erf 1926. The applicant did indicate that at construction phase material will be dropped off from Malmok Street side. The applicant will have to apply to the Operational Department should they want any such arrangement during the construction phase.
8. There are many developments in Vermont that were developed in the same manner with Group Housing pockets to provide different types of housing options. However, the character of such areas does not differ from this area, considering that @Lynx, directly adjacent to the west of this area, is the same type of development with higher density pockets.
9. The engineering reports show that the development can be accommodated, and the fact that the Municipal Engineering and Operational Departments support the application, indicates that storm water can be accommodated.
10. The comments are noted.
11. As indicated by the applicant, Architectural Design Guidelines will have to be submitted for the development should it be supported. Many such applications have been approved in the area of Vermont to the west of the site, without having any negative impact on visual setting. It is also therefore speculative that this type of development will have a negative impact on property values.
12. There are similar types of developments in Vermont, and it was identified that building lines applied around the Group Housing pockets (3m) and next to public streets (5m) makes it very difficult to place units on these erven. Similar departure applications to relax Group Housing pocket building lines were approved in the Vermont area to make erven developable. This application will be considered on merit and each proposed new erf will be carefully considered.
13. Noted, and will be dealt with in the manner as indicated in Point 12 above.
14. The comments are noted. The Engineering and Operational Departments support the proposal, and therefore it is considered that the turning circle complies with minimum standards.

### **Internal and External Departments**

The application was supported by all internal municipal departments and external provincial and semi-state institutions. The Municipal Environmental Department recommended that the open space be a Private Open Space.

## **10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

### **10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial sustainability

The application is within the urban edge and will not impact on agricultural land or environmentally sensitive areas. It will also help to alleviate urban sprawl by way of infill planning.

Efficiency

The property is surrounded by an existing road network and services infrastructure, and will require no additional infrastructure to be developed.

Spatial Resilience

The approval of this development and units will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure, thereby lowering the financial pressure on surrounding property owners and also the Municipality.

Good administration

Good procedure was followed and with a good public participation.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The area is indicated for residential purposes in terms of the SDF allocation and is also indicated as a status quo area in terms of the GMS. The status quo for this area of Vermont is the development of residential areas with a mixed development of Residential Zone I erven of 600m<sup>2</sup> and Group Housing erven of 350m<sup>2</sup> in extent. This development is therefore in line with the existing planning in the surrounding developments.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

The area is already serviced and sufficient bulk capacity exists to accommodate the development. The application is supported by the Engineering Department.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

There are already a mix of Residential Zone I and General Residential Zoned uses in the area.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The application is to rezone and subdivide Erf 1926, Vermont to create the following:

- Nine (9) Residential Zone I erven,
- Eight (8) General Residential Zone I erven,
- One (1) Open Space Zone II (public open space) erf, and
- One (1) Transport Zone II (public road) site.

The erf is vacant and measures 10011m<sup>2</sup>, and is ideally situated to be developed for residential purposes.

As previously indicated in the report, densification has been allowed in this area of Vermont. This is considered the status quo of the area, and thus in line with the status quo allocation in terms of the GMS.

It is clear from the report and comments from other municipal departments that there are sufficient services and road infrastructure to accommodate this proposed development.

Most of the objections relate to impact on the character of the area and neighbours' concerns about capacity of services and also road infrastructure.

It is to be noted that the applicant was also required to submit an environmental application to Western Cape Government: Environmental Affairs and Development Planning (EADP), as it triggered some listed activities.

EADP granted their support, but subject thereto that the layout plan be changed to move the proposed public space from the south-eastern corner of the site, to the north-eastern corner to include a sensitive area. The proposed public open space also enlarged from 501m<sup>2</sup> to 594m<sup>2</sup>.

Due to the above-mentioned change the final layout plan was amended, however the road only changed slightly and the number of Residential Zone I erven and General Residential Zone I erven stay the same. All further comments made in this report will therefore be made in relation to this amended Site Development Plan (see Annexure C).

As previously indicated this type of development is in line with similar developments in Vermont which is accessed via public roads, but providing for Group Housing pockets within the developments.

The amended layout plan also changed in such a manner that where a proposed Residential Zone I erf would have bordered Erven 2260 and 2259, Vermont two (2) Group Housing sites are now proposed. The changes are not detrimental to the overall character of the area, but it could have an additional impact on the above-mentioned two (2) erven. The other two (2) changes is that a new Residential Zone I erf will be placed where the public open space was originally proposed, but due to the fact that it will border open spaces, this amendment have no real significance. The other change is that the Group Housing pocket will not border Erf 1495 anymore, but it will be bordered by the new proposed positioned public open space. This will have no real significance.

The above-mentioned changes do however change the functionality of the layout in certain aspects. The Group Housing pockets had to be re-shaped around the new public open space, which has a very odd shape. This type of open space is not very functional and its position away from the development brings the question how useable it would be as a functional open space. It was however enforced by EADP. There is also concern that access to the open space is proposed via a right-of-way servitude over an existing small (Portion II) Group Housing site. This should be a dedicated passage that will have to be kept clean and open, and a servitude right of way is not the best way to ensure this. The passage should be surveyed as part of the open space to ensure it is accessible and functional. Due to its position and the fact that the open space portion is already blocked off by a wall from Malmok Street it is recommended it be zoned Private Open Space. This is also the recommendation by the Municipal Environmental Section, who is of the opinion that the open space will be to fragment to serve as a Public Open Space. There is also some concern about the right-of-way servitude proposed over Sites 5 to 9, to provide access to Sites 6 to 8. If scaled, it only appears to be 4m wide, which is not sufficient for double traffic and considering the bend in the right-of-way not sufficient for manoeuvrability to and from the mentioned sites. Especially the four (4) Group Housing sites are small and measure between 351m<sup>2</sup> and 361m<sup>2</sup>, and a right of way with a proper width which would ensure manoeuvrability would take away valuable developable portions of land on these sites.

The above-mentioned issues arise from the fact that the new position of the open space, its shape, new access to it and the fact that it is approximately 90m<sup>2</sup> larger than the open space originally planned, create a situation that the new layout plan has functionality concerns.

It is therefore the opinion that by making Sites 6 and 7 one Residential Zone I site measuring approximately 600m<sup>2</sup> additional land will be available to enlarge Sites 8 to 11, to create an open space passage that form part of the open space site, and also make it possible to create a right of way with proper width to provide access to the proposed Residential Zone I erf and Group Housing Site 8.

The above-mentioned proposed amendments will therefore be considered when providing comments on the proposed building line relaxation applications.

As previously indicated the strict building lines around Group Housing erven create major problems when houses must be designed for such Group Housing erven, as the development footprint becomes very small. The original proposal was then to

relax all street building lines where the Group Housing pocket borders a public street from 5m to 2m or 1m in some cases, and the building line surrounding the development from 3m to 2m, 1m and 0m in some cases for outbuildings. Some of the above relaxations are considered excessive, therefore the proposed relaxations will be discussed in more detail in terms of the amended SDP and recommended amendments.

It is considered reasonable to relax the 3m building line to 2m where Group Housing sites fronts Residential Zone I erven or open spaces. With the recommended layout plan it would mean that it will only border Residential Zone I erven and the open space within the development, with only Group Housing Site 12 bordering a portion of existing Erf 2007, Vermont. Impact on surrounding properties will therefore be of no real significance.

It is also recommended that the street building line to the Group Housing sites to Saffron Crescent be relaxed from 5m to 2m, but only for dwellings. Garages should be set back at least 4m to ensure vehicles do not park in the cul-de-sac.

Only Site 8 will border Malmok Street, and because it is a major road, it is recommended that the 5m building line only be relaxed to 3m.

The other relaxations applied for is not supported as it is not in line with applications for relaxations for similar developments in the area, and could impact negatively on the character of the area.

The above-mentioned recommended changes to the SDP, and limited relaxation approvals will help ensure that the character of the area will not be negatively impacted. It would also help limit impact on surrounding neighbours.

Considering the latest SDP and recommended changes, only fourteen (14) erven will obtain access to the area via the western entrance of Saffron Crescent, while two (2) erven will obtain access from the eastern part of Saffron Crescent. The consulting engineers, municipal Engineering and Operational Departments support the proposal, and therefore it is considered that sufficient access can be provided to the development. The developer was also limited in the regard that he could not obtain access from Malmok Street, and access must be obtained from Saffron Crescent into the whole area. It would not have made much difference if Saffron Crescent would have linked the eastern and western roads, or develop the cul-de-sac, impact would not have changed significantly

There are also concerns about availability of services, storm water and with regard to existing servitudes/services traversing the property.

The engineering consultants, Municipal Engineering and Operational Departments provided their support for the development, and therefore it is the opinion that the existing infrastructure can accommodate the development.

The issue with regard to a service servitude has been addressed by the applicant. A survey diagram of the servitude was prepared, but the servitude was never formally registered in the Title Deed. The Engineering Department indicated that service servitudes will have to be registered over all municipal services, and this will have to be dealt with between the Engineering Department and the developer prior to any registration of erven and that should it have to be registered. A copy of the

location of the services was obtained from the erstwhile consulting engineer, and is attached as Annexure O for clarity on position of services.

In the applicant's response to the objections (see Annexure E) a plan was attached showing the position of the services, a servitude that was never registered. It is indicated that the position of the servitude in terms of the amended SDP only three (3) erven will be affected. The applicant also indicates that the three (3) sites would then still have development footprints of between 280m<sup>2</sup> and 320m<sup>2</sup> that can be utilized to construct dwellings.

It is recommended that the registration of the relevant service servitudes be dealt with prior to the registration of the first erf, to ensure services are duly protected.

Considering the above, should minor changes be made to the amended SDP, which will also lower the Group Housing sites to six (6) and increase the Residential Zone I sites to ten (10), the development will be desirable.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to rezone Erf 1926, Vermont from Residential Zone I: Single Residential (SR1) to Subdivisional Area (SA), and for a subdivision in terms of Section 16(2)(d) of the above-mentioned By-Law, read with Section 22, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
  - (a) that the final Site Development Plan (SDP) submitted as Alternative 4 be amended by consolidating Sites 6 and 7 into 1 Residential Zone I erf of minimum 600m<sup>2</sup>, that the right-of-way servitude that provide access to the new Residential Zone I site and Site 8 be made wider to a width acceptable to the Engineering Department to accommodate double traffic, that the passage created to the open space between Sites 10 and 11 be a 2m wide open space alley surveyed as part of the open space, and lastly that the open space be changed to Private Open Space;
  - (b) that the amended SDP be submitted showing ten (10) Residential Zone I erven, six (6) General Residential Zone 1 erven, one (1) Transport Zone II (Public Road) and one (1) Open Space Zone III (Private Open Space) Site, to the satisfaction of the Senior Manager: Town and Spatial Planning;
  - (c) that a service servitude be registered over all municipal services to the satisfaction of the Engineering Department, prior to the registration of the first erf;
  - (d) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
  - (e) that the compliance does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (f) that the Architectural Design Guidelines in line with Zoning Scheme parameters and the departure relaxation as dealt with in Point 2. below, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control Department;

- (g) that all the conditions of Telkom (attached as Annexure F), be complied with;
- (h) that all the conditions imposed by Eskom (attached as Annexure G), be complied with;
- (i) that all conditions in the Services Report (attached as Annexure H), be complied with;
- (j) that the conditions imposed by the Western Cape Government: Environmental Affairs and Development Planning (attached as Annexure I), be complied with;
- (k) that the conditions of the Municipal Fire Department (attached as Annexure K), be complied with;
- (l) that the conditions imposed by the Overberg District Municipality (attached as Annexure N), be complied with;
- (m) that a Home Owners' Association be established with compulsory membership for all property owners within the development;
- (n) that the Constitution of the Home Owners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
- the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
  - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Home Owners' Association to deal with approval of plans.
- (o) that the Private Open Space be transferred into the name of the Home Owners' Association and they be responsible for the upkeep and maintenance of the open space.
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines applicable to the following General Residential Zone I erven to be created, **be approved**, as follows:

Erf	Applicable Building Line	From	To
8	Street – Malmok Street	5m	3m
8	Western lateral boundary	3m	2m
9	Street	5m	2m
9	Street – garage with direct access	5m	4m
9	Western lateral	3m	2m
10	Street	5m	2m
10	Street – garage with direct access	5m	4m
11	Street	5m	2m
11	Street – garage	5m	4m
11	Northern lateral (to Erf 1995)	3m	2m
12	Street	5m	2m

12	Street – garage with direct access	5m	4m
12	Eastern lateral	3m	2m
12	Southern lateral	3m	2m
13	Street	5m	2m
13	Street - garage with direct access	5m	4m
13	Southern lateral	3m	2m

3. that all other applications for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines for the General Residential Zone I sites, **not be approved**.
4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

#### 4. REASONS FOR RECOMMENDATION

##### REASONS FOR APPROVAL

###### Point 1

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone I erven is in line with the Overstrand Growth Management Strategy, 2010 and Overstrand Municipal Wide SDF, 2006.
- ❖ All municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns / objections raised about the possible impact on the character of the area are unfounded as this proposed development will be in line with the character of surrounding developments.
- ❖ Concerns / objections raised about the traffic impact on Saffron Crescent do not prove the development to be undesirable.
- ❖ The amendments to the SDP due to the later environmental approval are not significant, and with some amendments recommended, a new public participation process is not required.
- ❖ The amended layout as required by DEA&DP created an odd open space, and takes away 93m<sup>2</sup> for the development of erven, which created a less functional layout plan.
- ❖ The Municipal Environmental Management Department recommended the open space be changed to a private open space, as it is too fragmented to form part of the functional public open space system.
- ❖ To ensure no further public participation is required and the functionality of the layout can be improved to ensure that all erven will be large enough to be developable, all erven will be accessible and access to the open space will be assured, a revised SDP must be submitted to provide for ten (10) Residential Zone I erven, six (6) General Residential Zone I erven, one (1) Open Space Zone III (Private Open Space) and a Transport Zone II (Public Road) site, as indicated in Condition 1(a) of the Recommendation.

Point 2

- ❖ In terms of the character of Vermont, developments consist of a mixture of Residential Zone I and General Residential Zone I erven, with public roads, to avoid creating a “gated complex” character. Challenges have been experienced regarding building line limitations in respect of Group Housing erven in such developments, and for that reason this departure application was submitted to deal with such challenges.
- ❖ The relaxations only relate to relaxation to the new “internal road” within the development, Malmok Street, and lateral building lines next to mostly internal Residential Zone I and Open Space erven, and would not impact on surrounding property owners.

**REASONS FOR NON-APPROVAL:**Point 3

- ❖ The Overstrand Zoning Scheme sufficiently make provision for the construction of garages on lateral building lines on General Residential Zone I erven as follows:
  - On General Residential Zone I erven provision is made that garaging may be constructed on one (1) lateral boundary adjacent to another Group Housing site, for a distance of 50% of the length of such lateral boundary.
  - Relaxation of street and lateral building lines up to 1m to public roads and Residential Zone I erven is not considered desirable as it would create a much denser visual feel that could impact the character of the area.
  - Garages closer than 4m of the street boundary are not supported as this will not allow sufficient manoeuvrability in the proposed cul-de-sac and could create traffic problems.
  - Applications for departures to relax the street and lateral building lines to 1m and closer than 4m for garages are not in line with what was allowed for similar developments in Vermont, and not desirable.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report with original Layout submitted
Annexure C:	Final Layout Plan
Annexure D:	Objections received
Annexure E:	Applicant's comments on objections
Annexure F:	Comments: Telkom
Annexure G:	Comments: Eskom
Annexure H:	Services Report
Annexure I:	Western Cape Government: Environmental Affairs and Development Planning – Record of Decision (ROD)
Annexure J:	Comments: Operational Manager
Annexure K:	Comments: Fire Department
Annexure L:	Copy of Title Deed and Erf Diagram
Annexure M:	Comment : Heritage Western Cape
Annexure N:	Comment : Overberg District Municipality
Annexure O:	Additional information obtained from consulting engineer with regard to positioned services

**SIGNATURE****AUTHOR:**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: \_\_\_\_\_


Date: \_\_\_\_\_

**REGISTERED PLANNER**Name : **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature : \_\_\_\_\_

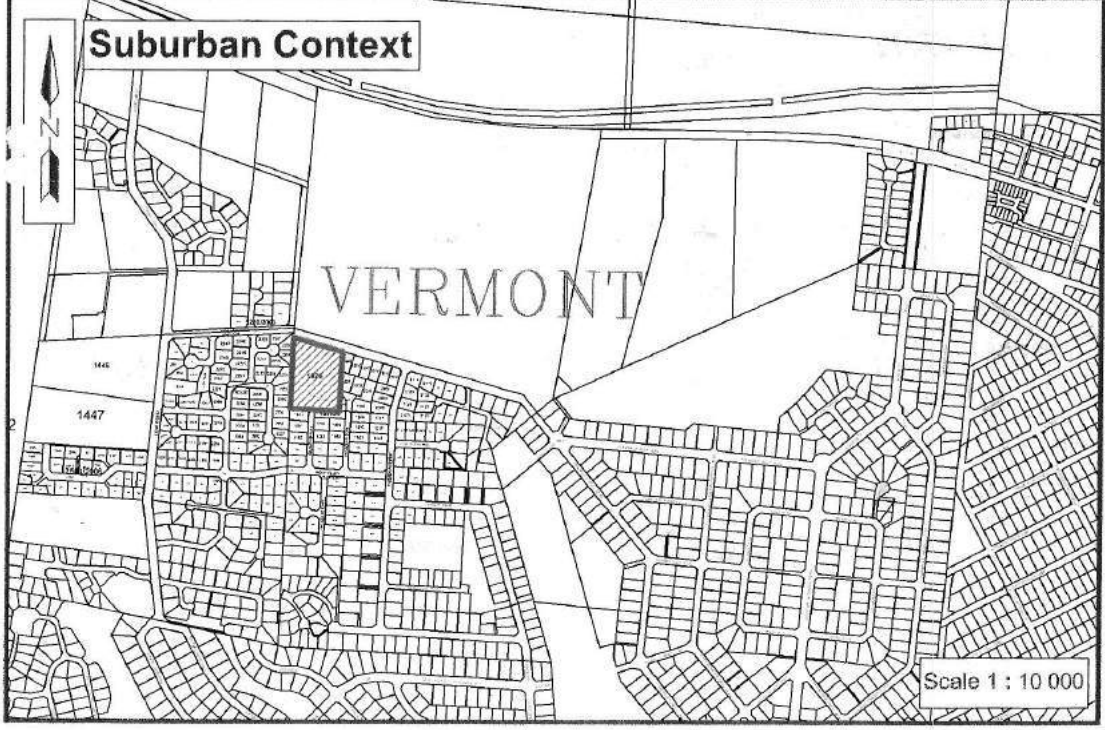
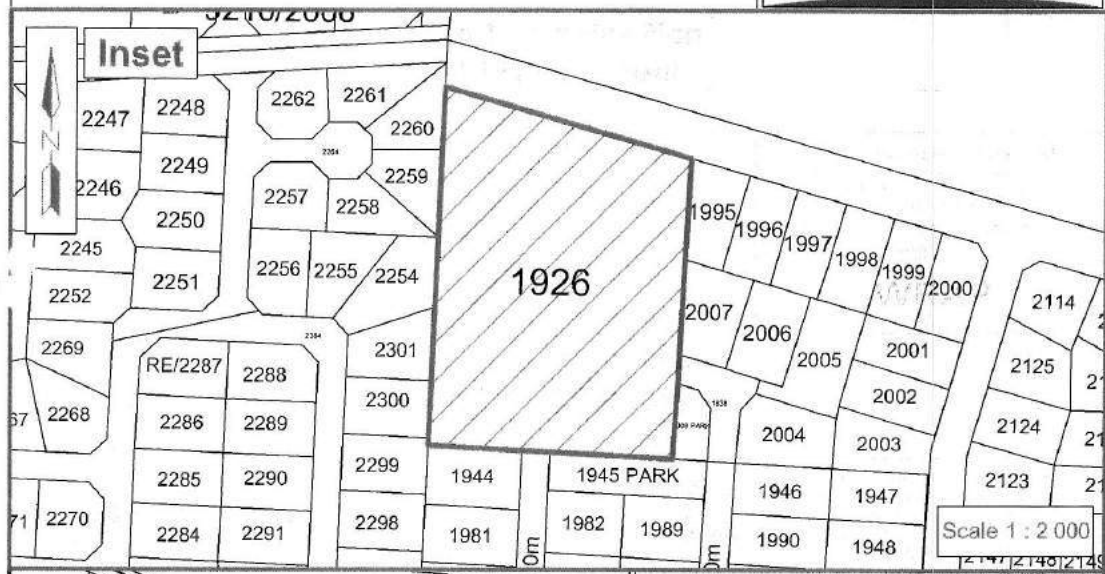
Date: \_\_\_\_\_

### Plan 1: Locality Plan Erf 1926 Vermont

 Subject property (10011m<sup>2</sup>)

Plan prepared by: Reatfishile Jonkie

All distances are approximate  
and subject to a survey



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MOTIVATION

**2. ABBREVIATIONS**

<b>OMZS</b>	Overstrand Municipality Zoning Scheme, 2013
<b>SDF</b>	Overstrand Municipality Spatial Development Framework, 2006
<b>OM</b>	Overstrand Municipality
<b>OM By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
<b>SPLUMA</b>	Spatial Planning and Land Use Management Act, 2013
<b>LUPA</b>	Land Use Planning Act, 2014
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework 2014
<b>DEADP</b>	Western Cape Department of Environmental Affairs and Development Planning
<b>SDP</b>	Site Development Plan
<b>SR1</b>	Residential Zone 1: Single Residential
<b>GR1</b>	General Residential Zone 1: Town Housing
<b>OS2</b>	Open Space Zone 2: Public Open Space
<b>TR2</b>	Transport Zone 2: Road and Parking

**3. SUMMARY OF PROPERTY DETAILS**

<b>Applicant</b>	WRAP (Wright Approach Consultancy)
<b>Registered owner</b>	Schulder Property Investments Proprietary Limited
<b>Property extent</b>	1,0011 ha
<b>Nearest town</b>	±10km from the Hermanus CBD
<b>Title deed</b>	T22017/2018
<b>Restrictive conditions</b>	None
<b>Applicable zoning scheme</b>	OMZS
<b>Current land use</b>	Vacant
<b>Current zoning</b>	Residential Zone 1: Single Residential (SR1)

**4. BACKGROUND**

The property owner bought the subject property with the intention of rezoning and subdividing the property. The intention is to sell the subdivided erven to individual prospective home owners. The intention of this proposal is to be in harmony with the prevailing and valued urban form and urban fabric of Vermont.

**5. PROPOSAL**

The owner of the subject property envisages having the number of erven below, which constitute the following percentages with these zonings.

<b>Zoning</b>	<b>Size in sqm</b>	<b>Number of erven</b>	<b>Percentage</b>
Residential Zone 1: Single Residential	5400	9	54%
General Residential Zone 1: Town Housing	2965	8	30%
Open Space Zone 2: Public Open Space	501	1	5%



## MOTIVATION

Transport Zone 2: Road and Parking	1145	1	11%
<b>Total</b>	<b>10011</b>	<b>19</b>	<b>100%</b>

The GR1 erven measure between 350m<sup>2</sup> to 403m<sup>2</sup> and the SR1 erven all measure from 600m<sup>2</sup>. These erf sizes are in harmony with the prevailing erf sizes in the area.

**Right of way servitude**

In terms of Section 26 of the OM By-Law, right of way servitudes are exempt from provisions of Section 22 to 26 of the OM By-Law. The right of way servitudes is identified (refer **Plan 3**) to illustrate sufficient access to Erven 6 and 7.

A right of way servitude is proposed over Erven 8 and 9 (servient tenement) in favour of Erven 6 and 7 (dominant tenement). It is requested that the OM certify that the right of way servitude is exempted from the provisions of Section 16(2) of the OMZS.

**Building lines**

Below are the building lines which are proposed to be applicable on the subject erven.

SR1 erven in terms of Section 6.12 (b) of the OMZS

Street building line	4m
Side/rear building line	2m

GR1 erven in terms of Section 6.2.2 (d), of the OMZS.

Building lines on the perimeter of a town housing development.	
(i)	The street building line is 5,0m;
(ii)	The side building line is 3,0m; and
(iii)	The rear building line is 3,0m.

The road which is proposed is going to be used by the public which makes the above building lines applicable. The above building lines are however onerous and building line departures are applied for as elucidated in the recommendation. The building line departures will be for the perimeter of the town housing development. The internal building lines where the GR1 erven are located adjacent to each other are proposed to be in accordance with Section 6.2.3 (e) of the OMZS and will not be depicted on the attached Plan 4 to provide the developer with greater flexibility while complying the provisions of Section 6.2.3 (e) of the OMZS. The building line departures applied for which are elucidated in the recommendation are intended to address all building line departures and prevent future building line departure applications on the GR1 erven. This is to promote more efficient planning and not unnecessarily strain Municipal Officials with building line departure applications in the future which can be avoided. These building line departures are also transparently presented in detail in this application to paint a holistic picture of the built environment which is envisaged on the subject property. It is proposed that the building lines below be applicable on erven which are zoned GR1.

GR1 erven in terms of Section 6.2.3 (e) of the OMZS

Internal building lines are applicable to town housing sites.	
(i)	The street building lines on internal roads are 1,0 m provided that garages must be set back at least 5,0 m from the road kerb;

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(ii)	The rear building line is 1,0 m provided that Council may require a greater rear building line for safety or health considerations, in which case it is 3,0 m;
(iii)	A building may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary;
(iv)	The combined side space between buildings on adjacent land units may not be less than 2,0m; and
(v)	The general building line exemptions of 16.11 apply.

Building plans which will be submitted to the OM after the approval of this proposal will have to comply with these prescribed building lines and development rules applicable in the SR1 and GR1 zoning.

**Title deed**

Title deeds T34137/2000 & T22017/2018 was perused and there are no restrictive title deed conditions which may prohibit the approval and implementation of this proposal. CM Barry & Co Attorneys, Notaries Public, Conveyancers issued a Conveyancer's Certificate which confirms that the title deed has no restrictive conditions (refer **Annexure C**).

**A summary of the reasoning for this proposal:**

- This proposal is a response to the growing housing need in Hermanus;
- The combination of SR1 and GR1 zoned properties will cater to people from different income brackets and promote income diversity;
- This proposal is in harmony with the prevailing urban form and urban fabric of Vermont;
- The subject property is currently derelict, characterised by alien vegetation. This proposal is to contribute to enhancing the aesthetic appeal of Vermont;
- The development of Vermont has historically followed a pocket development pattern, which this proposal blends in with;
- The implementation of this proposal is not intended to be a gated community and the OS2 property will be open to the general public to enhance the accessibility of this proposal at all scales; and
- The OS2 erf is proposed to be placed adjacent to the two existing OS2 zoned properties. This is intended to make the combination of the three open spaces larger and more functional for the public of Vermont.

Considering the above, application is hereby made for the rezoning, subdivision and building line departure on the subject property.

**6. URBAN FORM/URBAN FABRIC**

Urban form/fabric of Vermont is aesthetically appealing and valued by the residents. The existing vacant erven in the area are located in pockets owned by different property owners which create a unique gradual pocket development pattern in the area. It is essential for this proposal to be aligned with the pocket development pattern in the area and connect with the existing urban ambience.

**Urban form**

A perusal of the locality plan (refer **Plan 1**) reveals that all the erven in Vermont are

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## MOTIVATION

developed following a pocket development pattern and are all connected through an integrated road network which makes the different pockets permeable to the public. The permeability is enhanced by the absence of a gated development in the area. The road hierarchy of this proposal connects with the prevailing logic road hierarchy in Vermont. The shape of the erven in the area are rectangular along straight roads and resemble some polygon and triangular shapes around the cul-de sacs. The GR1 erven are a minimum of 350m<sup>2</sup> and the SR1 erven are a minimum of 600m<sup>2</sup> in Vermont. A perusal of the subdivision plan (refer **Plan 3**) reveals that this proposal is aligned with the prevailing urban form of Vermont.

**Urban fabric**

An examination of the zoning plan reveals the logical clustering of the zonings of the properties on the north western part of Vermont. Most of the properties which followed pocket development have a clustering of  $\pm 30\%$  GR1 erven and  $\pm 70\%$  SR1 erven. Any proposal following a pocket development pattern such as this proposal must be aligned with this zoning clustering of erven. The GR1 erven constitute 35% and the SR1 erven constitute 65% on the subject property. The prevailing harmoniously allocated urban fabric of SR1 which strategically clustered with the GR1 erven will be maintained with the approval and implementation of this proposal.

**7. ZONING**

Herewith are the proposed erven, zoning, sizes and total percentage over the subject development:

Erf number	Zoning	Size in sqm	Percentage
1	Residential Zone 1: Single Residential	600	5.99%
2	Residential Zone 1: Single Residential	600	5.99%
3	Residential Zone 1: Single Residential	600	5.99%
4	Residential Zone 1: Single Residential	600	5.99%
5	Residential Zone 1: Single Residential	600	5.99%
6	Residential Zone 1: Single Residential	600	5.99%
7	General Residential Zone 1: Town Housing	351	3.51%
8	General Residential Zone 1: Town Housing	403	4.03%
9	General Residential Zone 1: Town Housing	350	3.50%
10	General Residential Zone 1: Town Housing	366	3.66%
11	General Residential Zone 1: Town Housing	434	4.34%
12	General Residential Zone 1: Town Housing	350	3.50%
13	General Residential Zone 1: Town Housing	356	3.56%
14	General Residential Zone 1: Town Housing	355	3.55%
15	Residential Zone 1: Single Residential	600	5.99%
16	Residential Zone 1: Single Residential	600	5.99%
17	Residential Zone 1: Single Residential	600	5.99%
POS	Open Space Zone 2: Public Open Space	501	5.00%
Road	Transport Zone 2: Road and Parking	1145	11.44%
	<b>Total</b>	<b>10011</b>	<b>100%</b>

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## MOTIVATION

Herewith is the composition of the ratio of the zonings on the subject property.

Residential zoning ratio	Size in sqm	Percentage ratio
Residential Zone 1: Single Residential	5400	65%
General Residential Zone 1: Town Housing	2965	35%
Total	8365	100%

The building plans which will be submitted at the OM Building Control Department will have to comply with the land use and development parameters of the applicable zonings and the building line departures which are applied for.

#### 8. NOTIFICATION OF INTEND TO DEVELOP (NID)

The National Heritage Resources Act, under section 38 contains the following provisions and the proposed development will trigger an application to Heritage Western Cape:

##### Heritage resources management

**38.** (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—

(a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;

(b) the construction of a bridge or similar structure exceeding 50 m in length;

(c) any development or other activity which will change the character of a site—

(i) exceeding 5 000 m<sup>2</sup> in extent; or

(ii) involving three or more existing erven or subdivisions thereof; or

(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or

(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;

(d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or

(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

Due to the fact that some of the aforementioned items are triggered, a NID has been compiled and submitted by WRAP to Heritage Western Cape. The Record of Decision will be submitted to the Overstrand Municipality upon receipt.

#### 9. ENVIRONMENTAL CONSIDERATIONS

Lornay Environmental Consulting (Pty) Ltd submitted an environmental checklist for the subject property to the Western Cape Department of Environmental Affairs and Development Planning. The outcome of this submission will be forwarded to the Overstrand Municipality and all interested and affected parties once it is available.

#### 10. SERVICES

##### 10.1 Electricity

The subject properties will be connected to the Eskom electricity network.

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## MOTIVATION

**10.2 Water**

GLS was requested to investigate the availability of water to cater to this proposal and once their report is received, it will be submitted to the engineering department.

**10.3 Sewage**

GLS was requested to investigate the availability of sewer capacity to cater to this proposal and once their report is received, it will be submitted to the engineering department.

**10.4 Access and egress**

Access to the subject property is proposed to be gained from Saffron Crescent. There is no need for a street name and numbering plan for the subject property as the proposed street is only an extension of the existing street.

**10.5 Health and safety**

Properties which are zoned SR1 and GR1 do not permit noxious industries and are not projected to adversely impact on the health of neighbours in any way.

The additional people who will reside on the subject property will bring additional surveillance to the subject property which will contribute to increasing safety in the area.

**10.6 Visual impact**

The subject property is currently vacant and out of character with the visual setting of Vermont. The approval and implementation of this proposal will lead to development on the subject property which is in harmony with the prevailing visual setting of Vermont. The uniformity which the proposal will bring will enhance the visual setting in the area.

**11. NEED AND DESIRABILITY**

In terms of Section 66. (1) (c) of the By OM By-Law; 2015, the municipality must consider the desirability of this proposed land use. The measure to assess desirability is in terms of the guidelines issued by the Provincial Minister in terms of Section 45 of LUPA.

DEADP published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series, 2010. In terms of the above several questions need to be asked regarding the need and desirability of a proposal, which include the following;

- **Does the community/area need the activity and the associated land use concerned?**

There is a definite need for the development of derelict properties in the area to contribute to enhancing the built environment. There is also a definite need for public open spaces from the different pocket developments to be clustered together to promote larger and more functional open spaces.

- **Is this development the best practicable environmental option for this land/site?**

Lornay Environmental Consulting has been appointed to submit a checklist to DEADP for this proposal. The outcome of the application will be forwarded to interested and affected parties. This is aimed at ensuring that all the proposed land uses on the subject property do not degrade environmentally sensitive land.

- **How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?**

This proposal is not projected to adversely impact on sensitive natural and cultural areas.

- **Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?**

The approval of this proposal will not result any foreseeable opportunity cost in the rural area.

## 12. SPATIAL PLANNING POLICIES

This proposal was assessed for consistency with the existing spatial planning initiatives. The alignment of this proposal with the envisaged urban form and urban fabric will be assessed.

### PSDF

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

Policy proposals which are pertinent to this proposal are the following:

### Capitalise

Capitalising and preserving the unique local build form, natural typologies, character and heritage is cited as integral in the expansion of a settlement. The unique local built form of the northern part of Vermont consists of pocket developments with cul-de-sacs which this proposal seeks to maintain and capitalise on. The natural typology are the mountains, Hoek Van die Berg Nature Reserve, the coast line and public open spaces in the area which the prospective residents of the subject development will visit. The character and heritage comprise of a mixture of residential densities which range from SR1 and GR1 which this proposal will maintain and capitalise on.

### Promote

The promotion of urban rather than suburban development model with the aim of avoiding fragmentation is highlighted as integral in the expansion of settlements. The pocket development which occur in Vermont are dispersed and are not connected on every erf due to some property owners not developing properties. This proposal is therefore functioning as infill development which is integrated with surrounding development and contributes to combating the fragmentation of the Vermont settlement.

### Focus

The focus on creating connections to economic and social opportunities to promote spatial and socio-economic integration is cited as an important factor in development. This proposal will create employment opportunities for locals during the construction and operation phase and will connect economic opportunities in the area. This proposal will also enhance integration as the residents will comprise of people from a variety of backgrounds.



## MOTIVATION

### **Protect**

The protection and enhancement of the sense of place and settlement patterns in Hermanus is promoted to be protected. The prevailing sense of place in Vermont consists of residential dwellings, pockets of open space, a neighbouring nature reserve and a beautiful coastline. The residents in the area have an authentic attachment and value for this sense of place. This proposal and implementation thereof is in harmony with this sense of place and will contribute to enhancing it. The residents who will buy into this development will most likely be residents who also value this sense of place like the residents of Vermont.

### **Improve accessibility**

The improvement of accessibility of developments at all scales is cited as essential. The proposed road network connects to the road network of the surrounding property which will contribute to the accessibility and permeability of the subject development. The subject development will not be a gated community which will enhance the accessibility to the development and public open space.

### **Land use mix**

The promotion of an appropriate land use mix in Hermanus is cited as integral. The proposed land use mix which consists of SR1 and GR1 zoned properties are sensitive to the prevailing densities and residential land use mix in Vermont. This appropriate residential land use mix will therefore contribute to integrating people with different residential affordability means.

### **SDF 2006**

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF is guided by a set of objectives and it will be highlighted how the proposal is consistent these core objectives.

Policy proposals which are pertinent to this proposal are the following:

#### **Attractiveness**

A challenge for Hermanus is to retain the unique character and attractiveness of the area while balancing out the need for urban growth. This proposal is a response to the need for urban growth in Vermont which is aligned with the attractiveness of the Vermont residential area.

#### **Urban edge**

All development is proposed to be retained within the urban edge. This proposal is located within the urban edge and will contribute to combating urban sprawl.

#### **Residential opportunities**

The provision of land and / or redevelopment opportunities for residential / housing uses within the urban edge is viewed as a priority in the SDF. This proposal is a response to the increasing housing need in Hermanus and to deliver on housing provision which is cited as a priority in the SDF.

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**MOTIVATION****Spatial proposal plan**

The spatial proposal plan in the SDF specifically earmarks the subject property for residential purposes. This proposed development aims to create residential erven which are aligned with the development imperatives highlighted in the SDF.

**OMGMS 2010**

The purpose of the Growth Management Strategy is to improve the Overstrand Municipalities' overall environmental sustainability by enhancing the quality and efficiency of the built environment. It will be highlighted how the proposal will contribute towards the aims and objectives of this strategy.

**Optimal land use planning**

Ensuring optimal land use planning and efficient use of infrastructure, service, facilities and land is cited as an integral component in the document. The subject property is vacant and characterised by some alien vegetation. The subject property is prime development land which is not optimally used. This proposal entails development which would optimally make use of urban infrastructure within the engineering services capacity limits of Vermont.

**Place making**

Place making, and the development of attractive safe environments is promoted. Place making refers to the design and management of public spaces which promote people's health, happiness and wellbeing in conjunction with creating attractive and safe environments. This public road will initially be constructed by the developer and the public open space will be planted by the developer and managed by the Overstrand Municipality to the benefit of the public to maintain the attractiveness and safety of the area. This is aligned with the place making imperatives in Vermont.

**Scale and character of a settlement**

The scale and character (in terms of bulk, height and architectural styling) are promoted to be appropriate to the immediate context. The layout, building lines, height, architectural styling of this proposal is aligned with the character and context of Vermont. This is to maintain the format of the settlement.

**Spatial proposal plan**

The subject property is also located in Planning Unit 1 and it is proposed that no densification occur in this area. This proposal will not densify the subject property and will retain Vermont in its current land use, urban form, urban fabric and zoning format.

**13. PLANNING PRINCIPLES**

The proposal was analysed for consistency with the planning principles to provide a recommendation to the OM for the application in terms of Section 42 of SPLUMA and Chapter VI of LUPA.

**Spatial Justice**

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. This approval and implementation of this proposal will contribute to addressing



WRAP

## MOTIVATION

apartheid spatial development imbalances by increasing employment opportunities on the subject property particularly to the economically marginalised and promote the integration of prospective residents from a variety of backgrounds.

### **Spatial Sustainability**

Spatial sustainability in a settlement will be one that ensures an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas a limit urban sprawl. This proposal promotes equitable land markets with a diversity of densities which cater to different income groups. This proposal will not encroach on valuable agricultural land, environmentally sensitive areas and biodiversity rich areas. This proposal will contribute to limiting urban sprawl.

### **Efficiency**

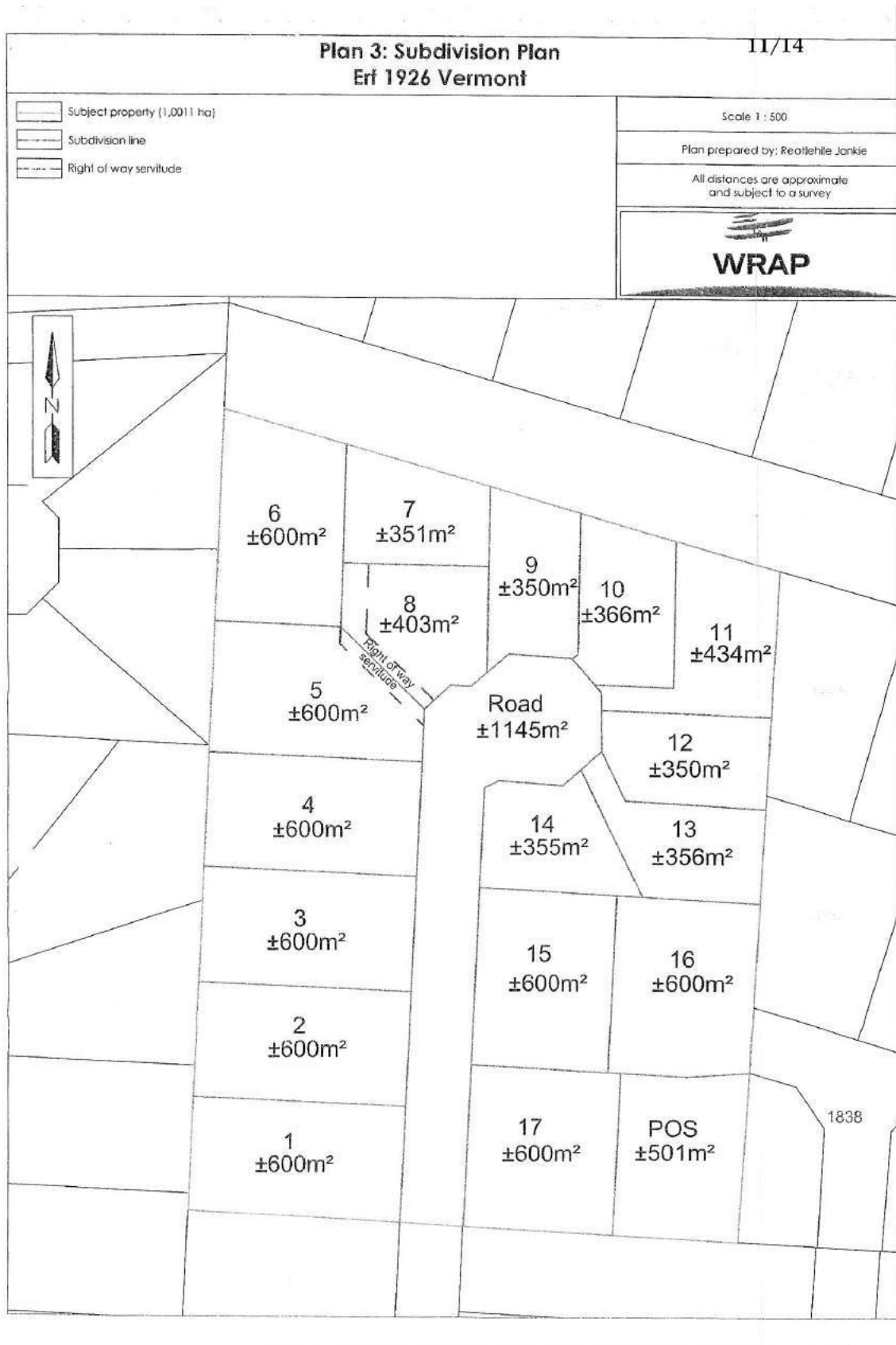
Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. This proposal seeks to optimise on the development potential on the subject property while remaining within the prevailing character of the area and within the services capacity limits in the area.

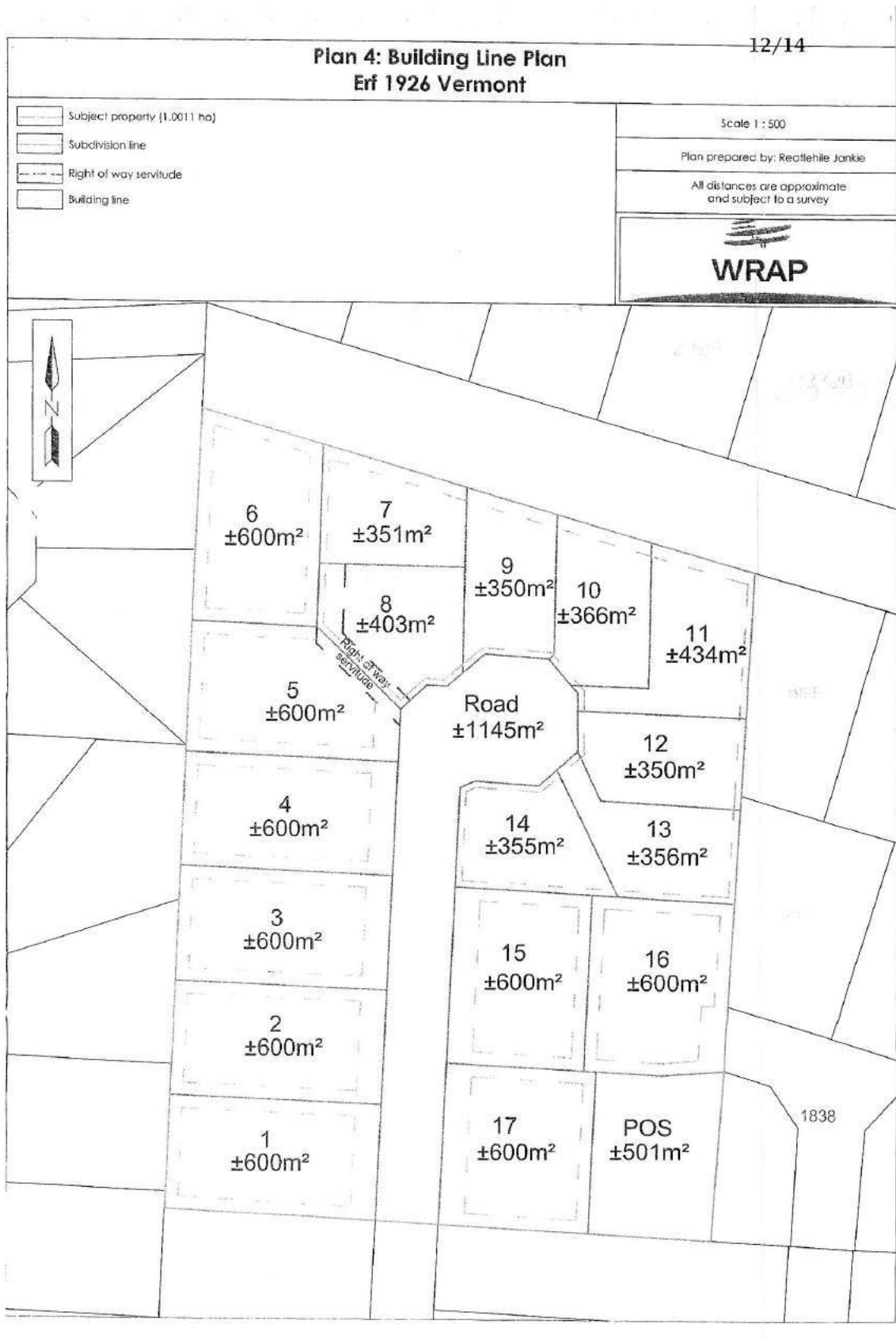
### **Spatial Resilience**

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the PSDF, SDF and OMGM\$ and principles of resilience enshrined in the documents.





### **Good Administration**

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued. The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the public and take the comments into consideration in the planning of the project. All these measures will ensure that a joint planning approach is pursued to the benefit of the owner of the properties and the community.





**Plan 5: Proposed Zoning Plan  
Erf 1926 Vermont**

-  Subject property (1,0011 ha)
-  Proposed subdivision lines
-  Residential Zone 1 : Single Residential
-  General Residential Zone 1 : Town Housing
-  Open Space Zone 1 : Public Open Space
-  Transport Zone 2 : Road and Parking

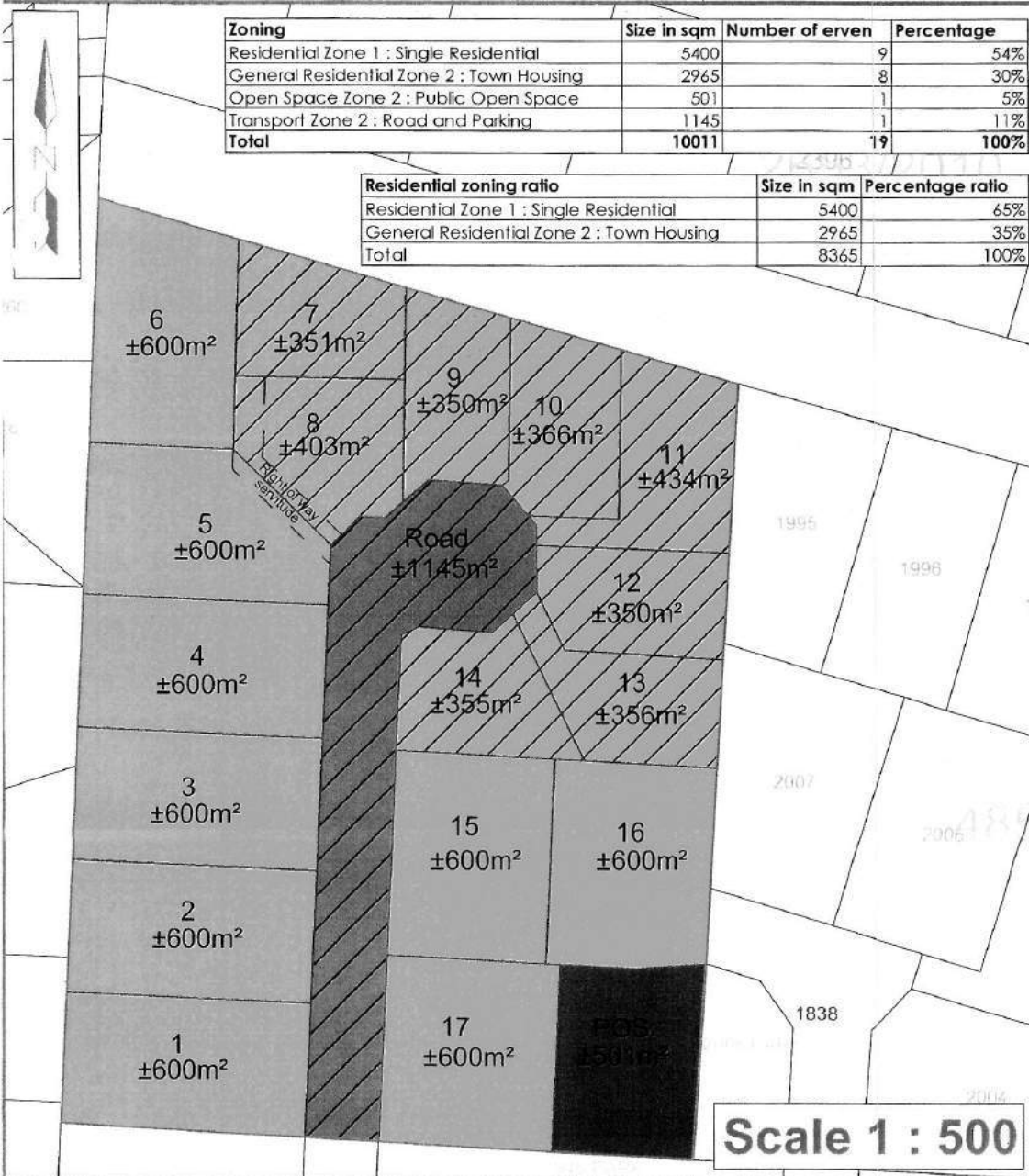
Plan prepared by: Reallehile Janke

All distances are approximate  
and subject to a survey

**WRAP**






Zoning	Size in sqm	Number of erven	Percentage
Residential Zone 1 : Single Residential	5400	9	54%
General Residential Zone 2 : Town Housing	2965	8	30%
Open Space Zone 2 : Public Open Space	501	1	5%
Transport Zone 2 : Road and Parking	1145	1	11%
<b>Total</b>	<b>10011</b>	<b>19</b>	<b>100%</b>

Residential zoning ratio	Size in sqm	Percentage ratio
Residential Zone 1 : Single Residential	5400	65%
General Residential Zone 2 : Town Housing	2965	35%
<b>Total</b>	<b>8365</b>	<b>100%</b>



# Plan 6: Access Plan Erf 1926 Vermont

14/14

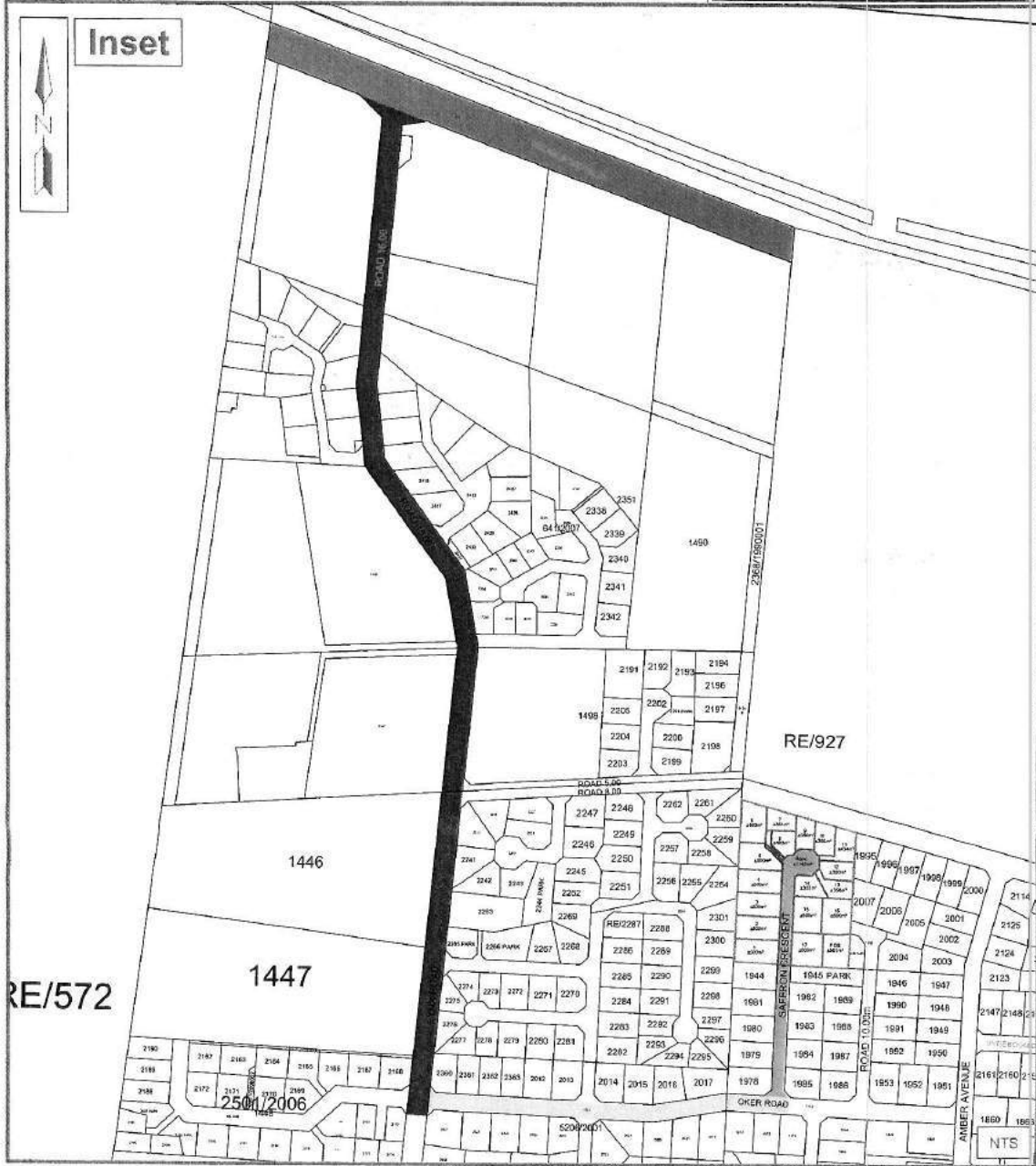
-  Subject property (10011m<sup>2</sup>)
-  R43
-  Lynx road
-  Oker Road
-  Access to the subject property

Plan prepared by: Realhile Jankie

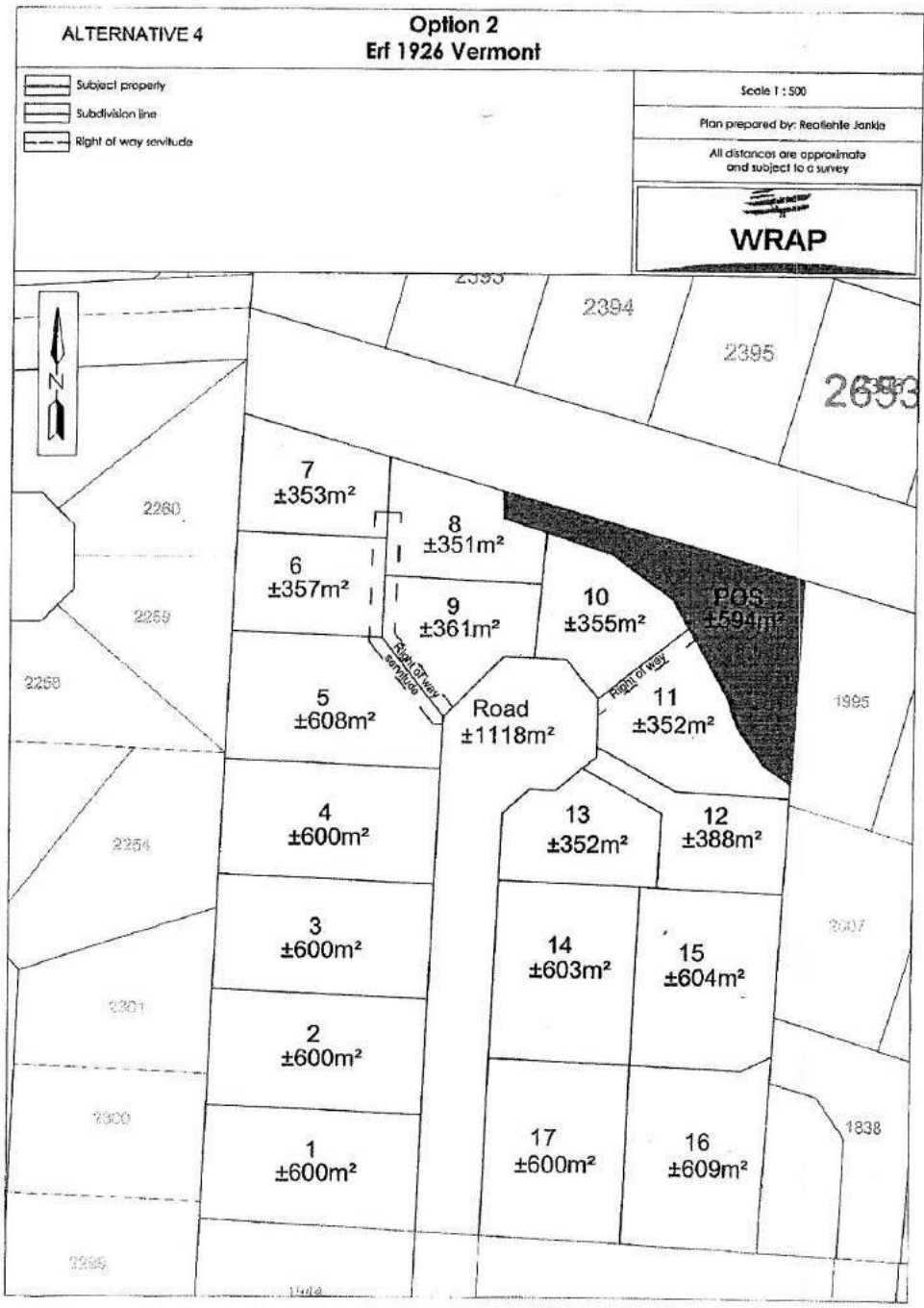
All distances are approximate  
and subject to a survey



**Inset**



ANNEXURE 2: SITE PLAN



ANNEXURE D 1/10



TP A Theart  
C H Olivier

Contractual Document :

FILE NO:	EL 1926
SCAN NO:	HVM 1926
COLLABORATOR NO:	1198393

S R T ARCHITECTS

**ROSSOUW THERON**  
 B.Bouk.(UPE) B.Arch (UPE)  
 Pr.Arch 21190  
 P.O.BOX 1073  
 Hermanus  
 7200  
 Tel: 028 316 2075  
 Cell.073 140 9853  
 e-mail: [srta@mweb.co.za](mailto:srta@mweb.co.za)

Overstrand Municipality  
 P.O. Box 20  
 Hermanus  
 7200

To whom it may concern

**Re: Erf. 1926, Saffron Crescent, Vermont**  
**Proposed Rezoning, subdivision and departure: Wrap ( obo Faxmore Investments cc**

**1. Access**

- We object against the access, to the proposed development, being from the part of Saffron crescent directly in front of our house.
- The part of the road in front of our property is already so narrow that 2 cars can hardly pass each other, going in opposite directions, the other portion of saffron crescent however is a bit wider, as it has kerbs in place on both ends.
- The road surface is already of such a nature that it keeps lifting with only the traffic from the existing 5 houses in the street, to allow access for another 17 properties via this road will have a severe impact on the road surface, and it will not be able to cope with the traffic.
- The access road will also cross a built storm water drain that is indicated as a servitude 3571/2008003 on the Overstrand Map

**2. Servitude 3571/2008003**

- There is no indication of the marked Servitude on the Town plan on the application
- There is a servitude running directly in front of my property across Erf 1926, and it is not indicated on the proposed development plan
- The servitude will surely affect building lines and building positions
- The proposed access is also crossing the servitude, and will have to be dealt with, with care.
- I have been working as an Architect in Hermanus for 18 years, and was never allowed to do any work, or have access over a registered servitude, can you please clarify this to me.

21 AUG 2018

**Contractual Document :**

**2.**

**3. Road name**

- With Saffron crescent never being completed, and with the proposed development, cutting off both ends of the crescent, preventing it from ever being completed – is Council going to change to road name, and if so, will council carry the costs of having to change all, my current information, to whatever the street name might become.

Yours sincerely



20.08.18

**ROSSOUW THERON ( Pr.Arch.21190 )**  
B.Bouk.(UPE)B.Arch(UPE)  
**34 Saffron Crescent**  
**Vermont**  
**7200**



4/10

23 AUGUST 2018

TOWN PLANNING  
HERMANUS  
For attention: H OLIVIER

FILE NO:	EL 1926
	Vermont
SCAN NO:	HVM 1926
COLLABORATOR NO:	1199070



Dear Sir/s

**ERF 1926 VERMONT: PROPOSED REZONING, SUBDIVISION AND DEPARTURE**

We have read the above application submitted on behalf of Faxmore Investments CC and wish to submit our comments on certain of the proposals and motivations contained in the document attached to the letter from the Municipality's Director: Infrastructure and Planning dated 19 July 2018.

As initial comment, we should point out that a copy of this letter, allegedly sent to us (and our neighbours) by registered mail, has not been received by those ratepayers who reside permanently in Saffron Crescent; the news reached us via an owner who lives in Wales. We are told that this is due to a postal strike, of which we are sure the Municipality has at all times been fully aware. It seems to us that in view of this, it would have been preferable if the Municipality had taken further steps to ensure that the notice reached us in some other way, if only to ensure that the spirit (and not merely the letter) of the applicable regulations were followed.

Another problem that we perceive is that Erf 1926, as it currently appears on the various plans attached to the application, seems to be considerably larger than must originally have been envisaged, particularly on its southern side: its dimensions already appear to encroach on the area to be taken up by the crescent and public open space as originally provided for on town plans. The provision made for "POS" by the applicant is meaningless, since walled properties would make access to all practically impossible. It would make more sense for it to be in the vicinity of the circle, say plot 14.

Should we deduce from this that the current application process is merely for form's sake, since departure from pre-existing plans has already been as good as granted? Or are the plans as attached and admittedly approximate, merely indicative of optimism on the part of the applicant?

Part of the reason why we, the undersigned, purchased our homes on erven 1985, 1979 and 1984 in Saffron Crescent (west) over a period of several years, was precisely that Saffron was intended to be a crescent, with apparently no more than some 26 to 30 erven along its total length, which in turn implied limited traffic and a desirable sense of community among all its eventual inhabitants. The addition of some 17 further erven completely upsets this expectation.

TP  
23 Aug 2018

Furthermore, the western end of Saffron Crescent seems rather narrow and appears to have been intended to carry traffic generated by no more than half of entire crescent's eventual inhabitants. It can currently accommodate parking along one side at most and even this makes the navigation of moving traffic fairly tricky. What the effect of the addition of the traffic from a further 17 households will be, does not bear thinking of. We further fear the degradation of the surface that will undoubtedly be caused in the course of the construction of the dwellings as proposed in the application. In this regard, we also point out that the kerb above a storm water drain has already been damaged on the eastern corner of Saffron and Oker by a heavy vehicle turning into Saffron some time ago. The municipality's own refuse trucks also regularly miss the turns into and out of Saffron Crescent.

It is our submission that disruption, especially during construction but also permanently, would be reduced if access to Erf 1926 were to be achieved either from the bend in Olienhout Avenue/Road/Street on its western side, or directly from Malmok Crescent, by way of one or two access points<sup>1</sup>. While any alternative will probably force the applicant to re-jig its subdivision plan and will probably require further amendment of the current map of Vermont, it will allow Saffron Crescent to be completed as originally envisaged and its inhabitants to develop into a naturally coherent community, of a similar size to that to be established on erf 1926. Furthermore, it would obviate the need (which will surely arise should the application be granted without amendment) to delete any reference to a non-existent Saffron *Crescent* and re-name this western end.

Another possibility would be to complete Saffron Crescent as originally planned and accommodate at least some of the proposed single residential erven along its length, while the rest of the current erf 1926 is accessed via Olienhout or Malmok.

We refrain from questioning whether the existing infrastructure in the vicinity can in fact accommodate the population density of the proposed town houses, leaving this aspect to the Municipality's own experts. We merely point out that such density of housing as the proposed GR1 erven imply, is currently found nowhere in Vermont except on the erven immediately adjoining the upper quarter of Vermont Drive and ask that careful attention be paid particularly to the sufficiency of existing storm water drainage.

Finally, we point out that the proposed deviations from prescribed building lines, particularly on the single residential erven, will drastically alter the "feel" of the area and seem contrary to requirements

<sup>1</sup> There is some rumour that the Municipality does not want further entrances along Malmok Crescent, hence the suggestion regarding Olienhout. However, such rumour is probably false since, had Erf 1926 not been reconfigured in its current form, a whole lot of single dwellings would of necessity have used only Malmok Crescent for access.

everywhere else in Vermont.

We trust that this comment will receive the serious consideration that we feel it deserves and thank you in anticipation for your response.

Yours faithfully

*PJ Myburgh*

Name: PJ Myburgh

Address: SAFFRANWEGEL 15

Cell no: 082 562 4140

Erf no: 1985

*ML van Heerden*

Name: ML van Heerden

Address: SAFFRONWEGEL 40

Cell no: 084 523 0148

Erf no: 1979

*M.E. Stander*

Name: M.E. Stander

Address: SAFFRANWEGEL 13

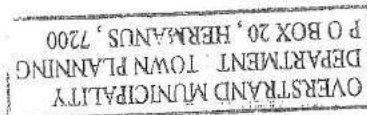
Cell no: 071 130 3484

Erf no: 1984

Received on behalf of Overstrand Municipality by (name) ..... on  
(date) ..... at (time) .....h.....

Signature *[Signature]* .....

23/11/09



7/10

TRA Theat  
(H Olivier)

**Loretta Gillion - Erf 1926 Vermont (Saffron Singel): Voorgestelde hersonering, onderverdeling en afwyking: Kommentaar**



**From:** andre meying <andre.meyering.home@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24 August 2018 03:57 PM  
**Subject:** Erf 1926 Vermont (Saffron Singel): Voorgestelde hersonering, onderverdeling en afwyking: Kommentaar

Mnr H Olivier, Stadsbeplanner  
 Overstrand Munisipaliteit

Ek is die eienaar van Erf 2007 Vermont, aangrensend tot Erf 1926.

Ek het bekommernisse aangaande die voorgestelde ontwikkelingsplan vir Erf 1926 - meer spesifiek die (a) voorgestelde ontwikkeling van "town housing" en (b) verslapping van boulyne op die voorgestelde Erwe 7 - 14.

Dit is nie absoluut duidelik dat die voorgestelde "town housing" 'n gepaste eenvormige argitektoniese karakter sal hê nie, althowel die dokument melding maak van ontwikkeling "in harmony with the prevailing visual setting of Vermont".

Die aansienlike verdigting wat die voorgestelde "town housing" tot gevolg sal hê sal 'n negatiewe impak op die aangrensende enkel woonhuise hê en word nie ondersteun nie.

Andre Meyering  
 ID 5411205001088  
 Sel: 072-940-9112

TP ~~XXXXXXXXXX~~

24 AUG 2018

FILE NO:	EL1926
	Vermont
SCAN NO:	02
COLLABORATOR NO:	1199646

**Loretta Gillion - Erf 1926: Voorgestelde Hersoning, Onderverdeling en Afwyking**

**From:** "Ernst Kretschmer" <ernstes@vodamail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24 August 2018 01:05 PM  
**Subject:** Erf 1926: Voorgestelde Hersoning, Onderverdeling en Afwyking

TR A Theart  
 (Huidstap)

**Aan:** Direkteur, Infrastruktuur en Beplanning  
 Overstrand Munisipaliteit

**Van:** Mev S F Thom  
 Saffron Singel 8 / Erf 1990  
 Vermont  
 Selfoon nommer: 072 768 5769



24 Augustus 2018

Waarde Heer,

**Insake Erf 1926: Voorgestelde Hersoning, Onderverdeling en Afwyking**

Ek is die eienaar van geaffekteerde Erf 1990 en lewer graag die volgende kommentaar op die voorstelle.

Alhoewel ek met die algemene konsep van die beplanning soos aangedui in u dokumente geen probleem het nie, moet ek wel ernstig beswaar aanteken teen die vestiging van 'n **groepering kleiner erwe met gepaardgaande verslappung van boulyne** soos deur u voorgestel **sonder enige bepalinge tov die styl en karakter van huise** wat toegelaat sal word om te verseker dat dit in harmonie is met die styl en karakter van huise in die onmiddellike Vermont-omgewing.

Dit is my mening dat tensy hierdie bepaalde aspek behoorlik aangespreek word daar 'n hoë risiko is dat die voorgestelde ontwikkeling van Erf 1926 'n onvermydelike negatiewe effek op toekomstige eiendomwaardes van geaffekteerde eiendomme sal hê en dus my toekomstige finansiële sekuriteit ernstig kan bedreig.

My versoek is dat die voorstelle in die lig van bogenoemde hersien word.

Vriendelike Groete

S F Thom

FILE NO:	EZ 1926
	Vermont
SCAN NO:	01
COLLABORATOR NO:	1199623

25 AUG 2018

9/10

*TR A Heard  
C Olivier*

**Loriaan Isaacs - Comments for OM re Erf 1926, Saffron Crescent, Vermont**

**From:** "Duncan Heard" <duncanheard@telkomsa.net>  
**To:** "Henk Olivier" <holivier@overstrand.gov.za>  
**Date:** 24 August 2018 04:22 PM  
**Subject:** Comments for OM re Erf 1926, Saffron Crescent, Vermont



Good Day Henk

Comments required by 24-08-18

Whilst the rezoning and subdivision aspects of this application are aligned with past and current development projects already approved, the departure required from the building lines is cause for serious concern. In the first place the developer appears to have created too many erf's and secondly has not adapted the size of the proposed dwellings accordingly! To accommodate the proposed dwellings, drastic departure from building line requirements is sought. It is unclear what the current OM policies are in this regard. To approve this kind of request is tantamount to changing the rules to suit the developer!

The need in to "bend the rules", in exceptional circumstances is understandable. This kind of planning, however, makes a mockery of existing rules and policies.

The eastern boundaries of erf's 11, 12 and 13, seeking to relax the building lines completely, will undoubtedly have a negative influence on the building plans for adjacent erf's 1995 and 2007. In the interests of adjacent property owners specifically as well as the Vermont area generally, approval of this request as well as any future similar requests will create an undesirable precedent.

Lastly, the size of the turning circle needs to be large enough to accommodate large service vehicles.

Regards

Duncan Heard

Chairperson: Vermont Ratepayers and Environmental Association (VREA)

FILE NO:	EL 1926 Vermont
SCAN NO:	DUNCAN
COLLABORATOR NO:	1200429



10/10

Loriaan Isaacs - FW: Beswaar

TRATheart  
(Hollivier)

**From:** "Wrap" <wrap@telkomsa.net>  
**To:** "Loriaan Isaacs" <loriaanisaacs@overstrand.gov.za>  
**Date:** 27 August 2018 02:38 PM  
**Subject:** FW: Beswaar

**From:** Riana Van Zyl <rianavz@gmail.com>  
**Sent:** Monday, August 27, 2018 2:11 PM  
**To:** wrap@telkomsa.net  
**Subject:** Beswaar

Hiermee teken ek, mev. C.H. van Zyl, wettige eienaar van woonhuis op erf 1978, Saffron Cressant 42, Vermont, beswaar aan teen die beoogde uitbreiding en ontwikkeling wat u beplan. Ek gee ook nie my toestemming vir enige veranderings vir enige hersonering by my eiendom, deur die Overstrand Munisipaliteit nie. My beswaar is dat Saffron Cressant dan baie druk verkeer sal kry, en daar bly baie ouer afgetrede mense in daardie straat, asook mense met klein kindertjies. Dit is tans n stil, rustige straat, wat ons so wil behou. Dit is die rede waarom baie van ons, daar n eiendom gekoop het!

Ek hoop dat u hieraan aandag sal skenk en my van enige verder ontwikkeling in die verband , sal in kennis stel.

Baie dankie by voorbaat,  
 Die uwe,  
 Mev. C.H. van Zyl.



FILE NO:	EL 1926
	Vermont ✓
SCAN NO:	HVM 1926
COLLABORATOR NO:	1200421



# WRAP



TP-A Theart  
(Holwier)

ESTABLISHED 2002

Town and  
Regional Planning

Municipal  
Legislation  
and Procedures

Liquor  
Licensing

Development  
Management

35 Duiker Street P  
O Box 1247  
Hermanus  
7200

Tel: +27 (0)28 313  
1411

Fax: +27 0865083248

Email:  
[wrap@telkomsa.net](mailto:wrap@telkomsa.net)

Web:  
[www.wrapgroup.co.za](http://www.wrapgroup.co.za)

Wright Approach  
Investments 136 CC

Reg No  
CK 2002/060745/23

Our reference: 18/028  
Your reference: 1926 HVM (3997)

12 September 2018

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
**HERMANUS**  
7200

Sir

FILE NO:	EL 1926-HVM
SCAN NO:	HVM 1926
COLLABORATOR NO:	1208394

**ERF 1926 VERMONT: PROPOSED REZONING, SUBDIVISION AND DEPARTURE**

Your email dated 12 September 2018 and our response letter to objections dated 5 September 2018 refer.

The closing date for the public participation for Erf 1926 Vermont was 24 August 2018 and the objector submitted the objection on 27 August 2018. Section 52 (5) of the Overstrand Municipality By-Law on Municipal Land Use Planning 2015 (OM By-Law) highlights the following.

*"The Municipality may refuse to accept an objection, comment or representation received after the closing date."*

The objection was incorrectly emailed to WRAP and not as per instruction of notice however WRAP forwarded the objection immediately to Overstrand Municipality.

The response to the objections as submitted on 5<sup>th</sup> of September 2018 addresses all access and transport related considerations in detail. The content of the objection has therefore been sufficiently responded to in the submitted response to objections.

Considering the above, we request that the Municipality refuse to accept the objection made by Mev C.H van Zyl and proceed with processing the submitted town planning application.

Yours faithfully

**REA JANKIE**  
TOWN PLANNER (B/8392/2017)

*Handwritten initials and date: 12 SEP 2018*



**WRAP**



TP-A Theart  
(Holinier)

ESTABLISHED 2002

Town and  
Regional Planning

Municipal  
legislation  
and Procedures

Liquor  
Licensing

Development  
Management

35 Duiker Street P  
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Fax: +27 0865083248

Email:  
[wrap@telkomsa.net](mailto:wrap@telkomsa.net)

Web:  
[www.wrapgroup.co.za](http://www.wrapgroup.co.za)

Wright Approach  
Investments 136 CC

Reg No  
CK 2002/060745/23

Our reference: 18/028  
Your reference: 1926 HVM (3997)

5 September 2018

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
**HERMANUS**  
7200

FILE NO: EL 1926-HVM
SCAN NO: HVM 1926
COLLABORATOR NO: 1205303

Sir

**ERF 1926: PROPOSED REZONING, SUBDIVISION AND DEPARTURE**

Objections to and comments on the application for the abovementioned were received from:

- R Theron obo SRT Architects, letter dated 20 August 2018;
- PJ Myburgh, ML van Heerden and ME Stander, letter dated 23 August 2018;
- A Meyering, letter dated 24 August 2018;
- SF Thom, letter dated 24 August 2018, and
- D Heard obo Vermont RPA dated 24 August 2018.

**Response to comments and objections pertaining to why Vermont was established.**

Comment/objection	Response to objections
Part of the reason why we, the undersigned, purchased our homes on erven 1985, 1979 and 1984 in Saffron Crescent (west) over a period of several years, was precisely that Saffron was intended to be a crescent, with apparently no more than some 26 to 30 erven along its total length, which in turn implied limited traffic and a desirable sense of community among all its eventual inhabitants. The addition of some 17 further erven completely upsets this expectation.	This was the expectation which the objector had in 1985 of how development would occur on the subject property. The reality is that the development pressures and trends in Vermont have shifted remarkably since 1985 and have altered the built environment in a manner which may not be in conformity with the initial expectations the objector had. The expectations of the objectors may be completely upset, but the approval and implementation of this proposal will not in any way undermine the land use rights which the objectors enjoy and would not interfere with the comfort of his or her land.

TP (Holinier)


  
WRAP

<p>The road surface is already of such a nature that it keeps lifting with only the traffic from the existing 5 houses in the street, to allow access for another 17 properties via this road will have a severe impact on the road surface, and it will not be able to cope with the traffic.</p>	<p>There are 8 existing houses in the street which the objector refers to. The developer will initially be responsible for the construction of the internal road on the subject property. The OM will however be responsible for the maintenance of the roads to ensure that the roads are continually in a satisfactory condition.</p> <p>It is suggested to that the objector approach the Infrastructure &amp; Planning Engineering Services Department in the OM to maintain or repair the road surface which is lifting in front of the objectors property.</p>
<p>The access road will also cross a built storm water drain that is indicated as a servitude 3571/2008003 on the Overstrand Map.</p>	<p>Although the servitude is registered with the Surveyor General, it is not registered in the title deed of the subject property. It is however correct that a storm water as well as a sewer line runs over the subject property and that the access road will be constructed over these lines. The project engineer will incorporate the water and sewer line in the planning of the services of the development.</p>
<p>There is no indication of the marked Servitude on the town plan on the application.</p> <p>There is a servitude running directly in front of my property across Erf 1926, and it is not indicated on the proposed development plan.</p> <p>The servitude will surely affect building lines and building positions. The proposed access is also crossing the servitude, and will have to be dealt with, with care.</p> <p>I have been working as an Architect in Hermanus for 18 years, and was never allowed to do any work, or have access over a registered servitude, can you please clarify this to me.</p>	<p>The subject servitude was never registered in the title deed of the subject property.</p> <p>The as built plans of the services from the adjacent developments were obtained and a land surveyor plotted the positions of the water and sewer line on the proposed layout (Refer <b>Annexure A</b>).</p> <p>It is recommended that the municipality ensure that the developer of the adjacent property concludes the process of registering the servitudes in the title deeds of the relevant properties.</p>
<p>With Saffron Crescent never being completed, and with the proposed development, cutting off both ends of the crescent, preventing it from ever being completed — is Council going to change the road name, and if so, will council carry the costs of having to change all, my current information, to whatever the street name might become.</p>	<p>The changing of road names in the OM is subject to the discretion of Council. Speculation of how Council will apply its discretion on this matter has no material impact on the merits of the town planning application which was submitted.</p>


 WRAP

<p>sense for it to be in the vicinity of the circle, say plot 14.</p>	<p>public open spaces which are adjacent to the proposed public open space, all of the public open space will still be accessed from both sides of Saffron crescent.</p> <p>The location of a public open space on the proposed Erf 14 would not be viable as it would not be large enough and not promote a large functional open space in Vermont.</p>
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**Comments and objections pertaining to building lines.**

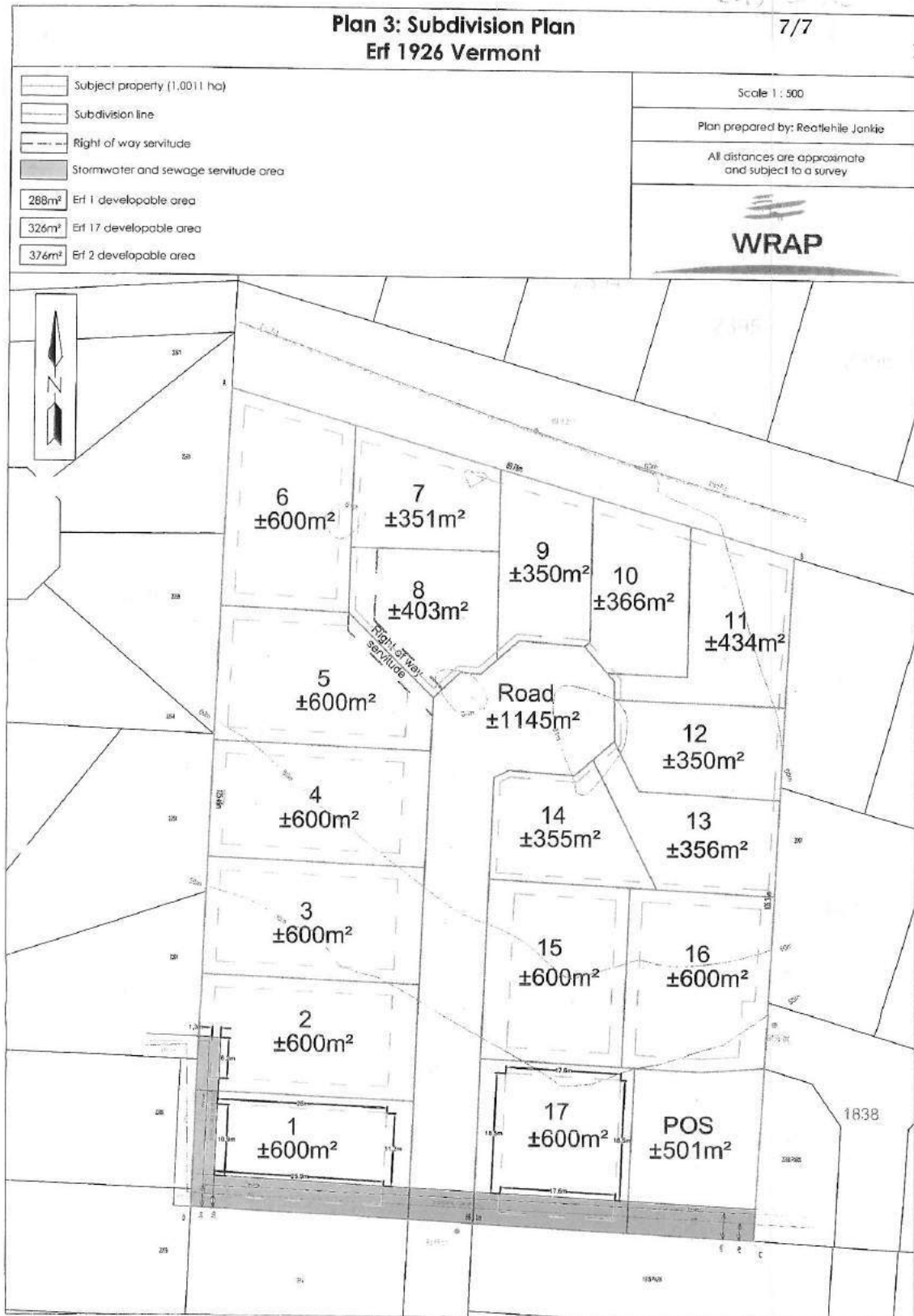
<b>Comment/objection</b>	<b>Response to objections</b>
<p>The eastern boundaries of erfs 11, 12 and 13, seeking to relax the building lines completely, will undoubtedly have a negative influence on the building plans for adjacent erfs 1995 and 2007. In the interests of adjacent property owners specifically as well as the Vermont area generally, approval of this request as well as any future similar requests will create an undesirable precedent.</p>	<p>The departure on erven 11, 12 and 13 is not up to 0m to the eastern boundary but it is only up to 1m. This proposal therefore will not impact on the adjacent neighbours on erven 1995 and 2007. The owners of erven 1995 and 2007 did not object to the proposed building lines which the objector refers to.</p>
<p>Finally, we point out that the proposed deviations from prescribed building lines, particularly on the single residential erven, will drastically alter the "feel" of the area and seem contrary to requirements.</p>	<p>There are no building line departures applied for on erven which are zoned SR1. The departures only pertain to properties which are zoned GR1.</p>
<p>Whilst the rezoning and subdivision aspects of this application are aligned with past and current development projects already approved the departure required from the building lines is cause for serious concern. In the first place the developer appears to have created too many erfs and secondly has not adapted the size of the proposed dwellings accordingly! To accommodate the proposed dwellings, drastic departure from building line requirements is sought. It is unclear what the current OM policies are in this regard. To approve this kind of request is tantamount to changing the rules to suit the developer! The need in to "bend the exceptional circumstances is understandable. This kind of planning, however, makes a mockery of existing rules and policies.</p>	<p>The applicable building lines of 5m from the street and 3m rear and side boundary would make the developable area for the proposed GR1 erven very small and impractical. The proposal for the departure from the building lines is intended to make the construction of buildings on erven which are zoned GR1 practical and viable. There are GR1 developments in Vermont which have been approved with the same development parameters as applied for. The proposals are therefore not intended to undermine the existing rules prevalent in the OMZS but intended to make the proposed GR1 properties to be in harmony with the prevailing character in the area.</p>

## WRAP

<p>upper quarter of Vermont Drive and ask that careful attention be paid particularly to the sufficiency of existing storm water drainage.</p>	<p>property. The proposed density is therefore in harmony with the prevailing character in the area.</p>
<p>Dit is nie absoluut duidelik dat die voorgestelde "town housing" 'n gepaste eenvormige argitektoniese karakter sal hê nie, alhoewel die dokument melding maak van ontwikkeling "in harmony with the prevailing visual setting of Vermont".</p>	<p>The OMZS provides the following definition for town housing.</p> <p><i>"town housing" and "town housing scheme" means a row or group of linked, attached or detached dwelling units, which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided or be sold individually in some other manner."</i></p> <p>The developer is therefore compelled in terms of this definition to submit building plans which are harmoniously designed for the erven which are zoned GR1. This will put the concern of the objector at ease.</p>
<p>Die aansienlike verdigting wat die voorgestelde "town housing" tot gevolg sal hê sal 'n negatiewe impak op die aangrensende enkel woonhuise hê en word nie ondersteun nie.</p>	<p>The objector is not clear on how this proposal for GR1 erven will materially impact the erven which are zoned SR1 in Vermont.</p> <p>There are already 39 erven in Vermont which are zoned as GR1. This proposal is therefore aligned with the prevailing suburban fabric prevalent in the northern part of Vermont as elucidated in Section 6 of the submitted town planning report.</p>
<p>Alhoewel ek met die algemene konsep van die beplanning soos aangedui in u dokumente geen probleem het nie, moet ek wel ernstig beswaar aanteken teen die vestiging van 'n groepering kleiner erwe met gepaardgaande verslapping van boulyne soos deur u voorgestel sonder enige bepalings tov die styl en karakter van huise wat toegelaat sal word om te verseker dat dit in harmonie is met die styl en karakter van huise in die onmiddellike Vermont-omgewing.</p>	<p>The proposed GR1 erven are in harmony with the prevailing character of Vermont and will not degrade the residential ambiance which is prevalent in the area.</p>
<p>Dit is my mening dat tensy hierdie bepaalde aspek behoorlik aangespreek word daar 'n hoë risiko is dat die voorgestelde ontwikkeling van Erf 1926 'n onvermydelike negatiewe effek op toekomstige eiendomwaardes van geaffekteerde eiendomme sal hê en dus</p>	<p>There are 39 erven which are zoned as GR1 in Vermont. There is no link or material evidence which the objector presents to substantiate the assertion that GR1 properties have a negative impact on the property values of SR1 properties.</p>



ANNEXURE A





TP-A Theart  
(Holivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

**Candice Spammer**  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

**Our Ref.:** WWIP\_WHWS2853\_18  
**Your Ref.:** 1926 HVM 3997

13 September 2018

Attention: S Muller

Overstrand Municipality  
HERMANUS

FILE NO:	EL 1926-HVM
SCAN NO:	HVM 1926
COLLABORATOR NO:	1209156

**PLANT AFFECTED:**

**PROPOSED REZONING, SUBDIVISION AND DEPARTURE: ERF 1926, SAFFRON CRESCENT, VERMONT**

With reference to your application received **July 2018**.

**As important COPPER cables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / FrederikS@openseve.co.za and 48 hours prior of commencement on construction work.**

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001



As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

## PLANT AFFECTED : COPPER

This wayleave, Reference Number **WWIP WHWS2853 18** is valid for 12 months from date hereof and is subject to the following conditions:

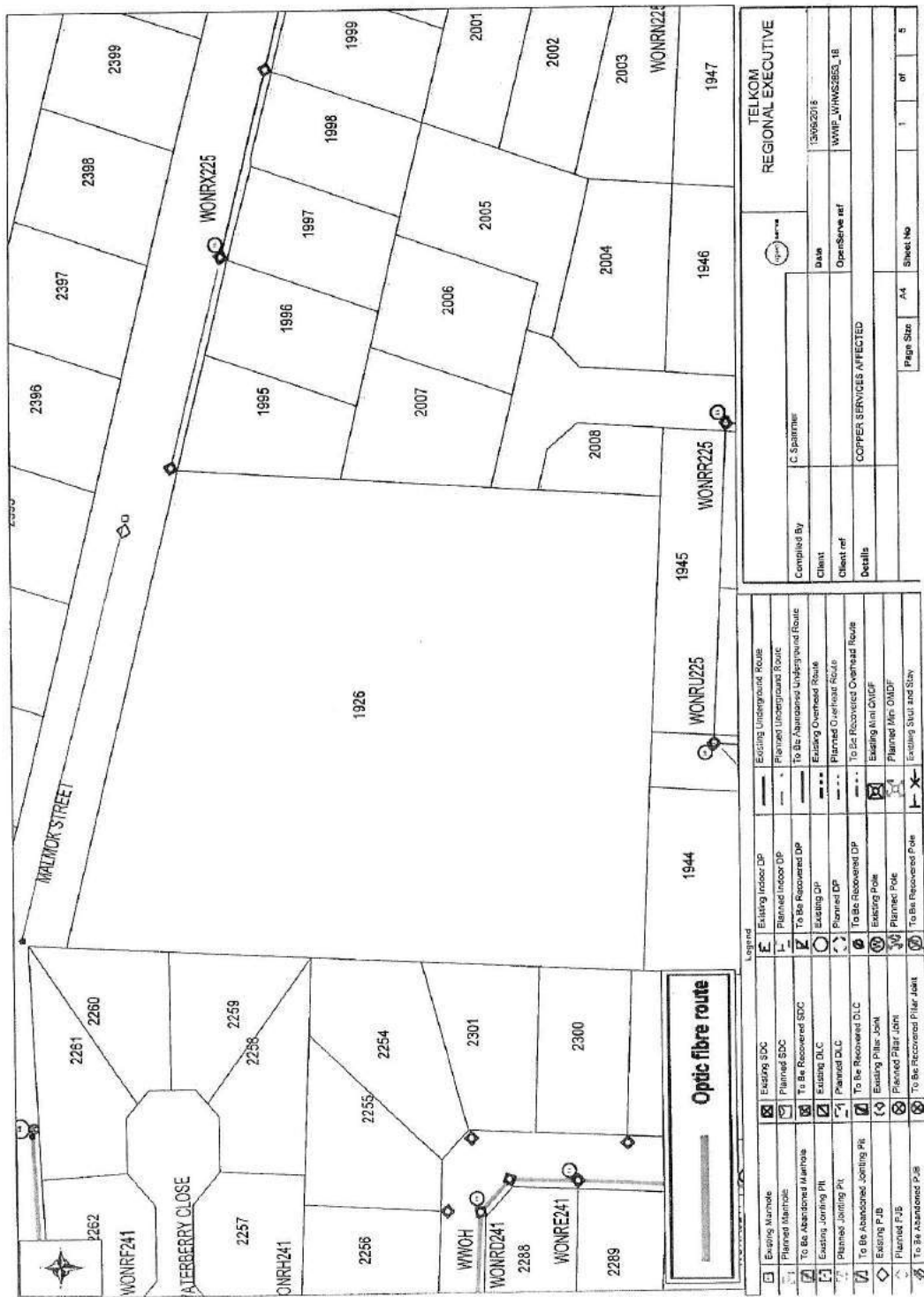
1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration, should the of the work, upon which the actual location of Open Serve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2018/09/13

By: C Spammer  
For Regional General Manager  
Western Cape

Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC.)	
5. Jointing Pit / A,JB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	





Completed By		C. Sparrine	
Client	Date	13/06/2018	
Client ref	OpenServe ref	WWP_WWMS263_18	
Details	COPPER SERVICES AFFECTED		

Existing Indoor DP	Existing Underground Route
Planned Indoor DP	Planned Underground Route
To Be Recovered DP	To Be Abandoned Underground Route
Existing DP	Existing Overhead Route
Planned DP	Planned Overhead Route
To Be Recovered DP	To Be Recovered Overhead Route
Existing Pole	Existing Mini OMDP
Planned Pole	Planned Mini OMDP
To Be Recovered Pole	Existing Stair and Stay

Existing Manhole	Existing SDC
Planned Manhole	Planned SDC
To Be Abandoned Manhole	To Be Recovered SDC
Existing Jointing Pit	Existing DLC
Planned Jointing Pit	Planned DLC
To Be Abandoned Jointing Pit	To Be Recovered DLC
Existing P/B	Existing Pillar Joint
Planned P/B	Planned Pillar Joint
To Be Abandoned P/B	To Be Recovered Pillar Joint



OVERSTRAND MUNICIPALITY  
P.O. Box 20  
HERMANUS  
7200

TP - A Theart  
(Holinier)

Date:  
29.07.2016

Enquiries:  
Mr David Williams  
Tel: 021 980 3102  
Fax: 021 980 3053

Attention: S. Muller

PROPOSED DEPARTURE, REZONING & SUBDIVISION OF ERF 1926 - VERMONT  
OUR REF: 02397/18

I refer to your letter dated 23 July 2016.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act ( Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.  
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.  
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 –Rochelle Fortuin.

Yours faithfully

*David Williams*

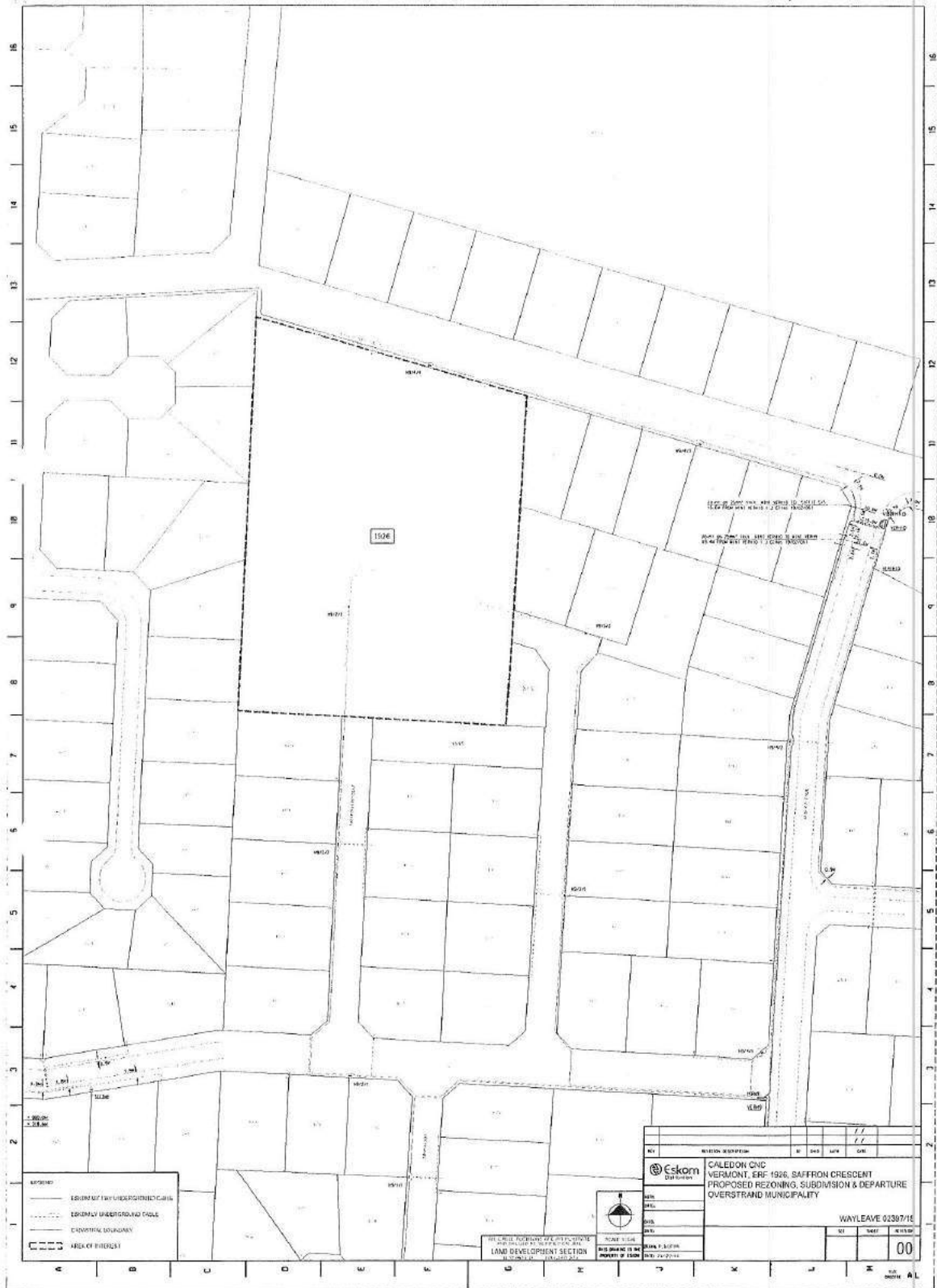
pp  
David Williams  
LAND DEVELOPMENT (BRACKENFELL)

FILE NO: EL 1926 - HVM
SCAN NO: 09
COLLABORATOR NO: 1183846

Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, SUBDIVISION & DEPARTURE: ERF 1926,  
VERMONT (3997)**

Stormwater (SW) :	According to the master plan by the Developer
Electricity :	Escom
Water :	According to GLS Report
Sewer :	According to GLS Report
Roads and traffic :	In order

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

**1.1 Developments containing Sectional Title Units/ Commercial Buildings**  
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

**1.2 Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2018/2019) is as follows:

Water	R 21 688.60 x 14,4	=	R 312 315.84
Sewerage	R 14 623.16 x 14.4	=	R 210 573.50
Roads	R 6 557.01 x 16	=	R 104 912.16
Stormwater	R 7 565.79 x 2,2003	=	R 16 647.01
Solid Waste	R 1 311.40 x 16	=	<u>R 20 982.40</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b><u>R 665 430.91</u></b>

**Note:**

**1.2.1** The above figures are estimates and do not include connection fees.

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

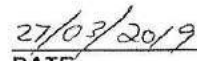
- 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
- 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
- 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
  - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;
  - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the

Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;

14. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
15. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
16. that the above stormwater management plan include the following:
  - 16.1. pre-development run-off from the catchment area;
  - 16.2. post-development run-off from catchment area;
  - 16.3. existing stormwater reticulation system and the capacity thereof;
  - 16.4. connection of internal stormwater reticulation system;
  - 16.5. overland escape routes;
17. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality ;
18. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
19. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer;
20. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
21. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

  
DENNIS HENDRIKS

  
DATE

**SENIOR MANAGER: ENGINEERING SERVICES**



Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/E2/40/1001/19  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 20.6.2019

Board of Directors  
Schulder Property Investments (Pty) Ltd  
PO Box 347  
**ONRUS RIVER**  
7201

**Attention: Mr L. Schulenberg**

Cell: (082) 444 0592  
Fax: (086) 585 2461

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE REZONING AND SUBDIVISION ON ERF NO. 1926, VERMONT.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

*[Handwritten signature]*

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Michelle Naylor (Lomay Environmental Consulting)  
(2) Liezi de Villiers / Penelope Apton (Overstrand Municipality)  
(3) Chanel Rampartab (CapeNature)

Fax: (021) 866 1523  
Fax: (028) 316 4953  
Fax: (021) 866 1523

6th Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 3679/4349 Fax: +27 21 483 3098  
E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eaddp](http://www.westerncape.gov.za/eaddp)



Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/E2/40/1001/19  
**NEAS REFERENCE:** WCP/EIA/0000547/2019  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 20.6.2019

### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE REZONING AND SUBDIVISION ON ERF NO. 1926, VERMONT.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 4 described in the Basic Assessment Report ("BAR"), dated February 2019.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Schulder Property Investments (Pty) Ltd  
 c/o Mr L. Schulenberg  
 PO Box 347  
**ONRUS RIVER**  
 7201

Cell: (082) 444 0592  
 Fax: (086) 585 2461



6th Floor, 1 Dorp Street, Cape Town, 8001  
 Tel: +27 21 483 3679 Fax: +27 21 483 3098  
 E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activities	Project Description
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 27</b>  <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for –</i>  <i>(i) The undertaking of linear activity; or</i>  <i>(ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>1ha of indigenous vegetation will be cleared for the development.</p>
<p><b>Listing Notice 3 –</b>  <b>Activity Number: 12</b>  <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>(i) Western Cape:</b></p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>Hangklip Sand Fynbos vegetation, which is classified as an endangered vegetation in terms of Section 52 of the Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), will be cleared.</p>

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities related to the development:

This alternative entails a residential development on Erf No. 1926 in Vermont consisting of the following:

- 17 residential erven comprising of 9 Residential Zone 1: Single Residential erven and 8 General Residential Zone 2: Town Housing erven.
- 1 Transport Zone.
- 1 Open Space (no go area) on the north-eastern portion of the site next to Malmok Road.

#### C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is Erf No. 1926 in Vermont and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 24' 41.78" South	19° 09' 07.09" East

The SG digit code is: C01300230000192600000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "the site".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting  
 c/o Ms Michelle Naylor  
 PO Box 1990  
**HERMANUS**  
 7200

Cell: (083) 245 6556  
 E-mail: michelle@lornay.co.za

#### E. CONDITIONS OF AUTHORISATION

##### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Alternative 4 described in the BAR dated February 2019 on the site as described in Section C. above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the first listed activity.

4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

**Written notice to the Competent Authority**

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

**Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of -
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2 name of the responsible person for this Environmental Authorisation,
    - 7.4.3 postal address of the holder,
    - 7.4.4 telephonic and fax details of the holder,
    - 7.4.5 e-mail address, if any, of the holder,
    - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.



8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

#### **Management of activity**

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

#### **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to any authorised official on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

#### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake the first environmental audit six months after commencement of the construction phase and thereafter submit an environmental audit report every three years for the period during which the Environmental Authorisation and EMPr remains valid. A final environmental audit report must be submitted to the competent authority six months after the construction activities has been finalised.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

**Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. No construction other than a fence or boundary wall may take place within the no go area on the north-eastern portion of the site next to Malmok Road.
18. A boundary wall in the no go area must be equipped with drainage holes such that surface drainage into Malmok Road is not interrupted.
19. Landscaping within the no go area must not include the use of fertilizers or pesticides.
20. During the operational phase of the development, the use of indigenous vegetation and water wise landscaping must be encouraged. An indigenous plant species list must be provided and must be included in the conditions of the Home Owners Association for the housing complex.

**F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is

proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 (as amended) or any relevant legislation that may be applicable at the time.

#### G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or  
By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

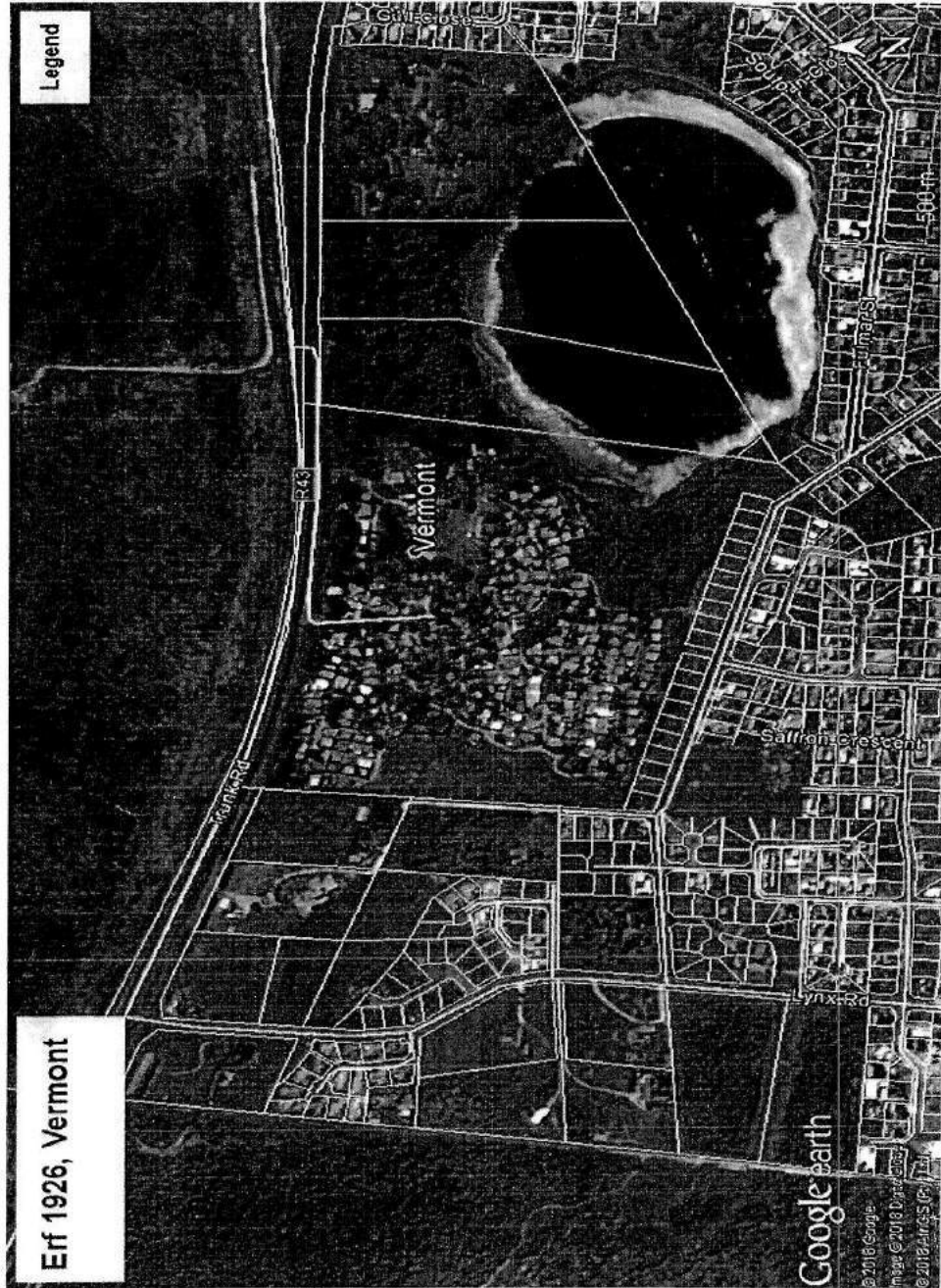


**MR. ZAHRIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
 DATE OF DECISION: 20 June 2019

CC: (1) Michelle Naylor (Lornay Environmental Consulting)  
 (2) Liezi de Villiers / Penelope Aplan (Overstrand Municipality)  
 (3) Chanel Rampartab (CapeNature)

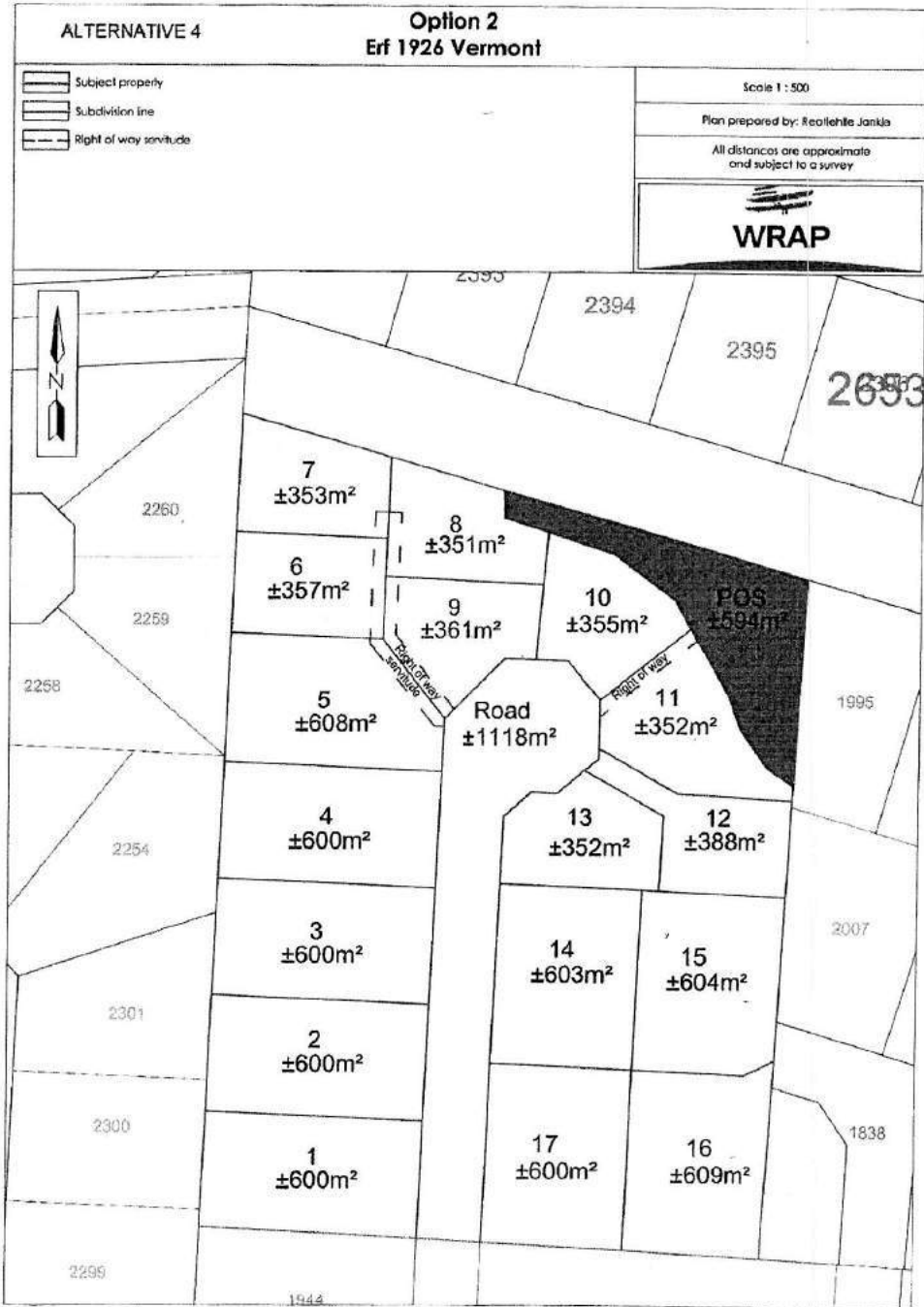
Fax: (086) 585 2461  
 Fax: (028) 316 4953  
 Fax: (021) 866 1523

ANNEXURE 1: LOCALITY MAP



*[Handwritten mark]*

ANNEXURE 2: SITE PLAN



### ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated January 2019, the draft Basic Assessment Report received by the Department on 14 January 2019, and the EMPr submitted together with the final Basic Assessment Report on 28 February 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 28 February 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

#### 1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 22 August 2018;
- Notice boards were placed at the site where the listed activities are to be undertaken on 22 August 2018;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 23 August 2018;
- making the pre-application draft Basic Assessment Report available to I&APs for public review from 23 August 2018; and
- making the draft Basic Assessment Report available to I&APs for public review from 10 January 2018.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## 2. Alternatives

The following alternatives were considered:

### Alternative 1

This alternative consists of 17 residential erven, 1 transport zone and 1 open space. Erven of 550m<sup>2</sup> in size and larger will be rezoned to Residential Zone 1: Single Residential. Erven of 350m<sup>2</sup> and larger will be rezoned to General Residential Zone 2: Town Housing. This alternative was not preferred due to the number of erven and break down between single residential and town housing. Furthermore, the location of the open space was not desirable, as it would be an isolated piece of open space instead of an extension of an existing open space located alongside it.

### Alternative 2

This alternative consists of 17 residential erven, 1 transport zone and one open space. Erven of 550m<sup>2</sup> in size and larger will be rezoned to Residential Zone 1: Single Residential. Erven of 350m<sup>2</sup> and larger will be rezoned to General Residential Zone 2: Town Housing. This alternative was the previously preferred alternative, since the open space will be located on the south-eastern portion of the site, alongside two existing open spaces. This means that the open space would contribute towards creating a more ecologically functional open space. Subsequent to the pre-application round of public participation it was established that the Breede-Gouritz Catchment Management Agency required a Water Use License Application due to the presence of the wetlands associated with the Vermont Salt Pan, which lie to the north of Malmok Road. As the wetlands were within 500m of the development site and the boundary of physical development fall within this buffer area, freshwater specialist input was required. A wetland specialist undertook a site scan and provided a statement confirming the proximity of the wetlands and identifying the need for the development proposal to be amended and adjusted to avoid a more sensitive area required for drainage on the north-eastern corner of the property. This required that the Open Space erf had to move to an area of "no-development" and the erf layout was adjusted accordingly to represent the fourth and newly preferred alternative, described further below.

### Alternative 3

This alternative represents the current *status quo*, a vacant erf surrounded by residential developments. This alternative was not preferred for the following reasons:

- There is currently a high demand for housing in the Overstrand, and in particular Vermont.
- The erf is a residential erf located within a residential area.
- The erf is one of the last undeveloped erven in the area.
- Infill development is preferred, where vacant erven are developed prior to expansion of suburbs and towns.

### Alternative 4 (Preferred and herewith authorised)

This alternative consists of 17 residential erven comprising of 9 Residential Zone 1: Single Residential erven and 8 Residential Zone 2: Town housing erven, 1 transport zone and 1 open space (no go area) on the north-eastern portion of the site next to Malmok Road. The open space was shifted onto Malmok Road in line with recommendations made by the wetland specialist. This alternative was preferred since it includes the recommendation made by the wetland specialist to include a 'no development area' on the north-eastern portion of the site to ensure that no runoff from the development will drain towards the Vermont Salt Pan. Consequently, the potential impact on the associated wetland system will be eliminated.



### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity need and desirability

The site is located within the residential suburb of Vermont. The development is in line with the Overstrand Spatial Development Framework and the surrounding land use. The erf is part of the original General Plan for the area and is earmarked for residential purposes. The site is one of the last undeveloped erven in the area and there is currently a high demand for housing in Vermont.

#### 3.2 Biophysical Impacts

Indigenous vegetation is present on the site, namely Hongklip Sand Fynbos vegetation, which is classified as an endangered vegetation type in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). According to the Botanical Impact Assessment dated 25 October 2018, compiled by Amida Johns, the vegetation on the site contain areas of Medium (Zone A) and Low (Zone B) Botanical Sensitivity. Development activities in both zones are considered to have a negative, direct, and permanent impact at both a local and regional botanical level. CapeNature recommended in their comment dated 20 February 2019 that the layout must be amended to lower the impact on Zone A. However, the erf is located within the built-up area of Vermont and is surrounded by already developed residential erven, Malmok Road and Paradise Park across Malmok Road. The resultant open area would be an island of open space in the built-up area. It would not connect to any green belt systems characteristic to Vermont and therefore would not contribute to any extended ecological functioning. Reducing the number of erven will therefore not be viable or feasible. The assessment concluded that the development of the residential development on Erf No. 1926 in Vermont can therefore proceed with the implementation of the management recommendations. This was included as Condition 20 under Section E of this Environmental Authorisation.

No watercourses are present on the site or within 32m of the site, but the site is located within 500m of the Vermont Salt Pan and its associated wetland system. The wetland specialist, Joshua Gericke, recommended in his letter dated 4 October 2018, that a 'no development area' must be included in the development. This will ensure that no runoff from the development will drain towards the Vermont Salt Pan, thereby eliminating the potential impact on the associated wetland system. This was effectively addressed in the layout of the preferred alternative. The additional recommendations have also been included as Conditions 17, 18 and 19 under Section E of this Environmental Authorisation.

The development will result in both negative and positive impacts.

#### Negative Impacts:

The development will have a negative biophysical impact due to the loss of natural vegetation. This will however be mitigated to an acceptable level through the preferred alternative and implementation of the EMPr.

#### Positive impacts:

The development will provide housing in the area, the authorised layout will not impact on the Vermont Salt Pan and its associated wetland system and job opportunities will be created during the construction and operational phases.

#### 4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.




#### 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----



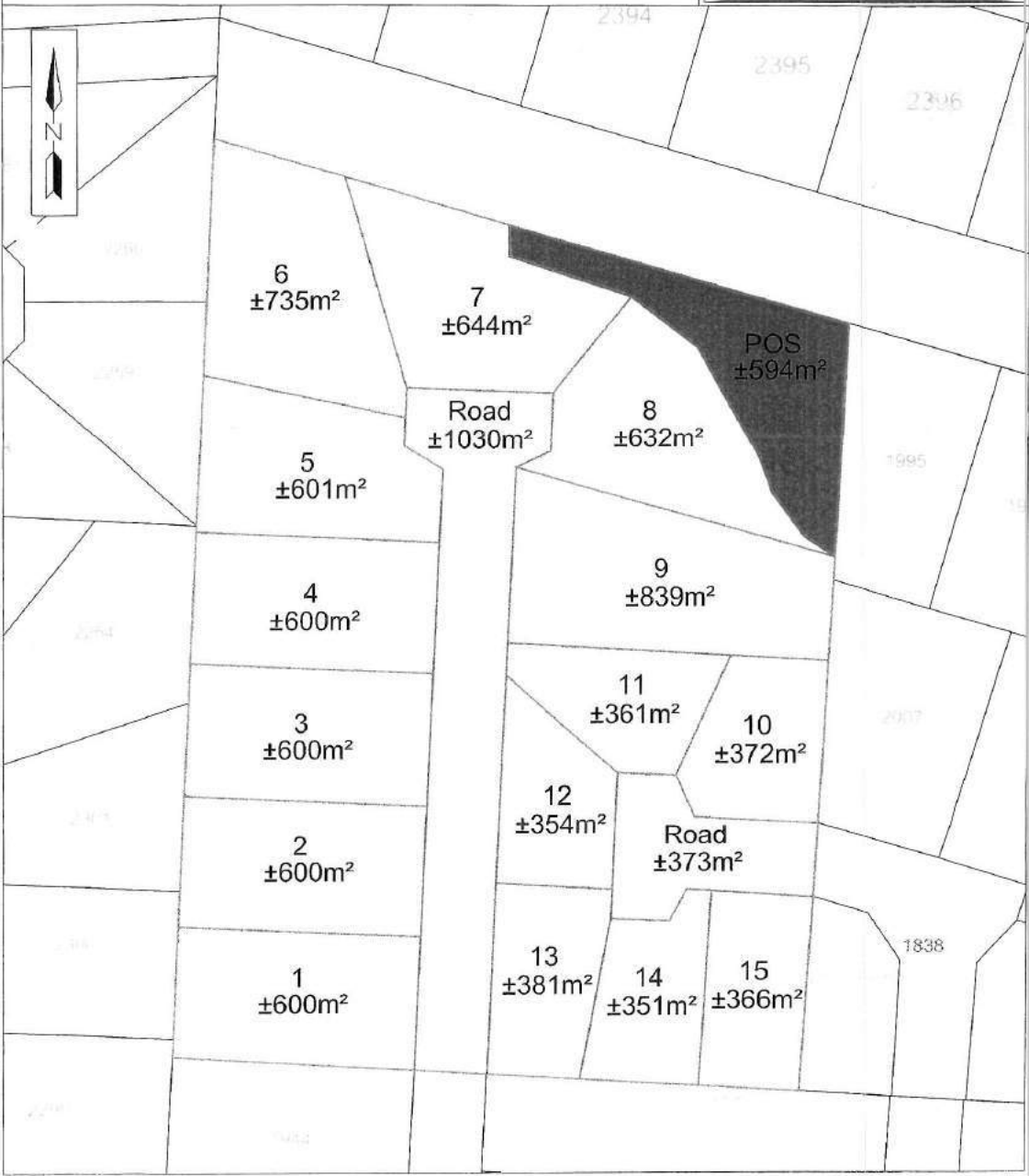
**Option 4**  
**Erf 1926 Vermont**

-  Subject property
-  Subdivision line
-  Right of way servitude

Scale 1 : 500

Plan prepared by: Reatlehile Jankie

All distances are approximate  
and subject to a survey



Munisipaliteit – U-Masipala – Municipality  
**OVERSTRAND**

**INTERNAL MEMORANDUM**

Aandag / For Attention:	Town Planning department: H. Olivier	Van / From:	Department Operational Services
Afskrif / Copy:		Datum / Date:	28 May 2018

Ref: Erf 1926, Vermont

**RE: APPLICATION FOR PROPOSED REZONING, SUBDIVISION AND DEPARTURE ON ERF 1926, VERMONT**

The request for comment from the Department: Operational Services (Hermanus) dated 24 May 2018 with regard to the abovementioned proposal refers.

The Department: Operational Services (Hermanus) has no objection to the application for proposed rezoning, subdivision and departure on Erf 1926, Vermont as indicated in the application, subject to the following conditions:

1. That the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development on Erf 1926, Vermont.
2. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
3. That on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Directorate: Operational Services.
4. That any additional and / or extended vehicle entrances will be for the owner's account.
5. That, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.

Yours faithfully



**T.I. Marx**  
Principal Technician: Operational Services  
Hermanus



**J. de Villiers Pr. Eng.**  
Senior Manager: Operational Services  
Hermanus

C:\Users\tmarx\Desktop\departures\Departures\Erf 1926, Vermont 2018-07-27.docx



## ANNEXURE K

Munisipaliteit • U.Masipala • Municipality

OVERSTRAND



File reference:	1926 HVM (3997)
Date:	19 July 2018

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Henk Olivier

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Cllr. J. Orban)</u>	Waste Management

Applicant	WRAP (obo FAXMORE INVESTMENTS CC)
Property Details	ERF 1926, SAFFRON CRESCENT, VERMONT
Application Description	PROPOSED REZONING, SUBDIVISION AND DEPARTURE

ATTACHMENTS:

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

Developer must provide fire hydrants at 180m apart linear to street layout so that no structure is further than 90m from any hydrant in compliance with section 4.35.4 of SANS104007:2011.	
Signature:	Date: _____ 2018

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	24 August 2018
-----------------------	----------------

**164**

C M BARRY & CO  
8 GLYNNVILLE TERRACE  
GARDENS  
CAPE TOWN  
8001

Prepared by me

*Barry*

CONVEYANCER  
CAROL MAY BARRY

For endorsement		Amount	Rate
Purchase price/Value	R	4 200 000,00	1750,00
Mortgage Capital Amount	R		
Reason for exemption	Cat.	Section	Act

DATA / VERIFY  
21 MAY 2018  
LINDA NCAPAI

000022017 / 2018  
T 000022017 / 2018

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**CAROL MAY BARRY**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to her by:

**FAXMOR INVESTMENTS CC**  
Registration Number 1998/024587/23

DATA / CAPTURE  
18 MAY 2018

which said Power of Attorney was signed at CAPE TOWN on 16th April 2018

*PH*

And the appearer declared that her said principal had, on 15 February 2018, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**SCHULDER PROPERTY INVESTMENTS PROPRIETARY LIMITED**  
**Registration Number 2018/220667/07**

or its Successors in Title or assigns, in full and free property

- ERF 1926 VERMONT
- SITUATE IN THE OVERSTRAND MUNICIPALITY
- DIVISION CALEDON, PROVINCE OF WESTERN CAPE
- IN EXTENT 1,0011 (ONE COMMA ZERO ZERO ONE ONE)
- Hectares

FIRST registered and still held by by Certificate of Consolidated Title Number T 34137/2000 with Diagram S.G. No. 5045/1999 relating thereto.

**I. WITH REGARDS TO THE FIGURE A e f D on Diagram Number 5045 / 1999 :**

A. **SUBJECT** to the conditions referred to in Deed of Transfer Number T 2258/1921.

B. **ENTITLED** to the benefits of the rights referred to in an endorsement dated 16 September 1924 on Deed of Transfer Number T 2258/1921, namely :

"By Notarial Deed d.d. 31 July 1924 (1) condition (1) in Transfer No. 7685 d.d. 9 September 1913 re sale of liquor has been cancelled and (2) condition (2) in Transfer No. 7685 d.d. 9 September 1913 re water rights have been varied."

C. **SUBJECT FURTHER** to the conditions referred to in Notarial Deed dated 11 April 1930 attached to Deed of Transfer No. T 9286/1925 and to which a reference is made in the endorsement dated 29 April 1930 on Deed of Transfer No. T 9286/1925, namely:

"By Notarial Deed dated 11 April 1930 a restriction has been imposed upon the remainder of the land held hereunder that no liquor shall be sold thereon without the consent of the present or future proprietors of the property held under Trf 53 d.d. 5 January 1918 as will more fully appear on reference to the copy annexed thereto."

*mf*

*d CF*

- D. **SUBJECT FURTHER** to the conditions contained in Deed of Transfer No. T 2287/1935, namely :

"Subject to the condition that the present and future proprietors of all erven sold and transferred in the Township of Vermont [as shown on General Plan V34] shall be entitled by means of the existing system of distribution laid down and situate on the said remaining extent of Lot No. 1 Onrust Rivier and Rheezicht to a reasonable supply of water for domestic purposes if available and that they shall have the right to impose a reasonable charge for any repairs and maintenance of the various pipelines and for the use and distribution of the water."

- II. **WITH REGARDS TO THE FIGURE e B C f on Diagram Number 5045 / 1999 :**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 2258/1921.

- B. **ENTITLED** to the benefits of the rights referred to in an endorsement dated 16 September 1924 on Deed of Transfer Number T 2258/1921, namely :

"By Notarial Deed d.d. 31 July 1924 (1) condition (1) in Transfer No. 7685 d.d. 9 September 1913 re sale of liquor has been cancelled and (2) condition (2) in Transfer No. 7685 d.d. 9 September 1913 re water rights have been varied."

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L A or

WHEREFORE the said Appearer, renouncing all rights and title which the said

**FAXMOR INVESTMENTS CC**  
**Registration Number 1998/024587/23**

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**SCHULDER PROPERTY INVESTMENTS PROPRIETARY LIMITED**  
**Registration Number 2018/220667/07**

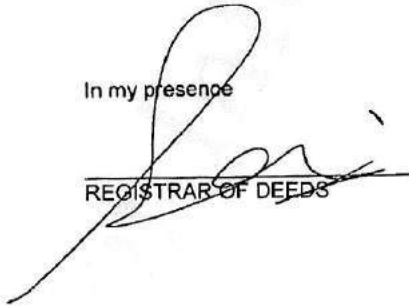
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 200 000,00 (FOUR MILLION TWO HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 17 May 2018

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS





5/600

Spronk Lorton Clark & Associates 1252/98

**Components:**

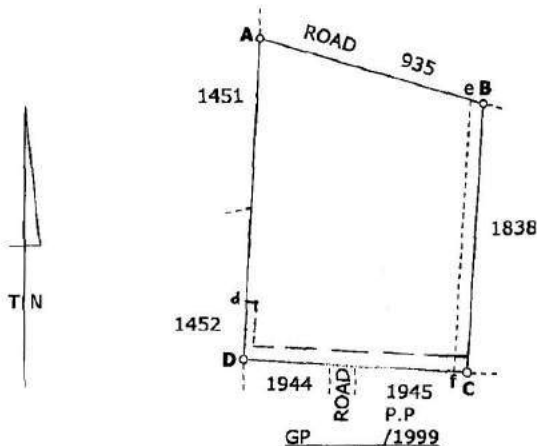
1. The figure AefD represents Erf 1836 Vermont, vide GP 1680/1996, annexed to D/T
2. The figure eBCf represents Erf 1925 Vermont, vide Dgm. No. 4219/1999, annexed to D/T 2000-34133

S.G. No.

5045/1999

Approved

*[Signature]*  
Surveyor-General  
27-9-1999



Scale 1: 2 000

**The figure A B C D**

represents 1.0011 Hectares of land, being

**ERF 1926 VERMONT (Comprising 1 and 2 as above)**

situate in Greater Hermanus transitional Local Council  
Administrative District of Caledon Province Western Cape  
Compiled in September 1999  
by me

Professional Land Surveyors *[Signatures]* PF SPRONK (PLS 0779) NA Clark (PLS 1072)

This diagram is annexed to No. CCT 34137/2000 dated i.f.o. Registrar of Deeds	The original diagrams are as indicated above	File No. S/10950/2 S.R. No. Compiled Comp. AI-3CB/X23(437)
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S E

SERVICE EASEMENT AREAS				
SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
1670/2008	3571/2008	The line <u>DE</u> represent the western boundary of a 3m service and access servitude.		
		The line <u>BE</u> represent southern boundary of a 5m service and access servitude.		

ANNEXURE M

TR A Theart  
C H Olivier



Our Ref: HM/ OVERSTRAND MUNICIPALITY/VERMONT/ ERF 1926  
Case No: 180514072K0521E  
Enquiries: Zelhembe Khuluse  
E-mail: [zelhembe.khuluse@westerncape.gov.za](mailto:zelhembe.khuluse@westerncape.gov.za)  
Tel: 021 483 9685  
Date: 8 June 2018

Faxmore Inv CC  
20 Saffron Crescent  
Vermont  
Overberg  
7201

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REZONING AND SUBDIVISION INTO ELEVEN PORTION ON ERF 1926, VERMONT, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 180514072K0521E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 21 May 2018. This matter was discussed at the Heritage Officers meeting held on 5 June 2018.

You are hereby notified that, since there is no reason to believe that the proposed rezoning and subdivision into eleven portion on Erf 1926, Vermont **will not impact** on heritage resources, and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

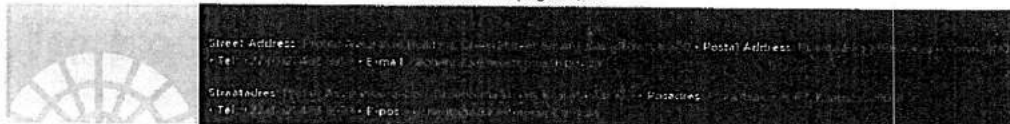
Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

  
D Mxolisi Dlamuka  
Chief Executive Officer, Heritage Western Cape

FILE NO:	EL 1926 Vermont
SCAN NO:	28
COLLABORATOR NO:	1172439

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)



# OVERBERG

DISTRIKSMUNISIPALITEIT  
DISTRICT MUNICIPALITY  
UMASIPALA WESITHILI



*MELD ASB/PLEASE QUOTE*

*Ons Verw./Our Ref.:*

*Navrae/Enquiries:* **R. Erasmus**

*Bylyn/Ext.:*

Privaatsak: X22  
Private Bag:  
BREDASDORP  
7280  
Tel: (028) 4251157  
Faks/Fax: (028) 4251014

Health Department  
Hermanus Office  
Flower Street 15  
Hermanus  
7202  
Tel: 028 – 3131243  
Faks: 028 - 3131263

31 AUGUST 2018

## COMMENTS ON THE PROPOSAL: ERF 1926 SAFFRON CRESCENT, VERMONT

### Water

The Local municipality must give a written undertaking that the water source is sufficient to supply this new development.

### Sewerage

The Local municipality must give a written undertaking that the sewerage plant will be able to handle the extra load.

### Waste

Written agreement must be entered into with local municipality for the removal of waste if the municipality will remove the waste.  
Refuse areas and refuse bins to comply with municipal solid waste management by-law.

### Certificates

- All shops and restaurants that prepare and sell foods must apply for a R638 Certificate of Acceptability at the Overberg District Municipality.

R. Erasmus

## ANNEXURE O 1/4

**Contact Address:**

ICE Group (Overberg)  
PO Box 1273  
Hermanus, 7200

**Tel No:** +27 (0) 28 312 2292  
**Fax No:** +27 (0) 28 312 2325  
**e-mail:** ice@officepark.co.za



GROUP (Pty) Ltd.

Date: 28 August 2006

**Contact Person:** Pieter Engelbrecht  
**Your Ref:**  
**Our Ref:** ICE/O/005

Mr Richard Butt  
93 Longmarket Street  
CAPE TOWN  
8000

Dear Mr Butt

**PROVISION OF SERVICES ACROSS ERF 1926, VERMONT**

Please find attached hereto, a plan indicating the proposed position of the stormwater and sewerage reticulation systems across Erf 1926, Vermont.

Due to the topography of the area and the position of the existing stormwater and sewerage reticulation systems, no other alternative is available to service Erven 1451 and 1452, Vermont, than to cross Erf 1926.

It should be noted that the future development of Erf 1926 was taken into account during the design process of the services, therefore Erf 1926 can in the future connect thereto.

The services will be positioned as close as possible to the building lines of the future properties, should Erf 1926 be subdivided.

The blue line represents a 1 500mm x 600mm stormwater box culvert and the pink line represents a 110mm diameter uPVC sewerage pipe.

It is envisaged that the required building lines would be approximately 2.5m. The width of the servitude for the services is proposed to be 3.0m. The width of the services is approximately 2.8m. It should however be noted that all services will be under ground and the servitude will form part of the subdivided erven.

It is clear from the above that although servitude will be required across Erf 1926, Vermont, the provision of services will have little effect on the size of future subdivided erven and will rather add value to the property.

Your answer in this regard as soon as possible will be appreciated.

Kind Regards

PIETER ENGELBRECHT  
for  
ICE Group (Overberg)

**Consulting Services**

- Civil Engineering
- Mechanical Engineering
- Electrical Engineering
- Structural Engineering
- Traffic Engineering
- GIS Applications
- Project Management
- Facilities Management
- OHSACT

**Head Office:**

**Tygerberg:**  
P.O. Box 3970  
Tyger Valley  
Tel: 021 914 3833  
Fax: 021 914 0916

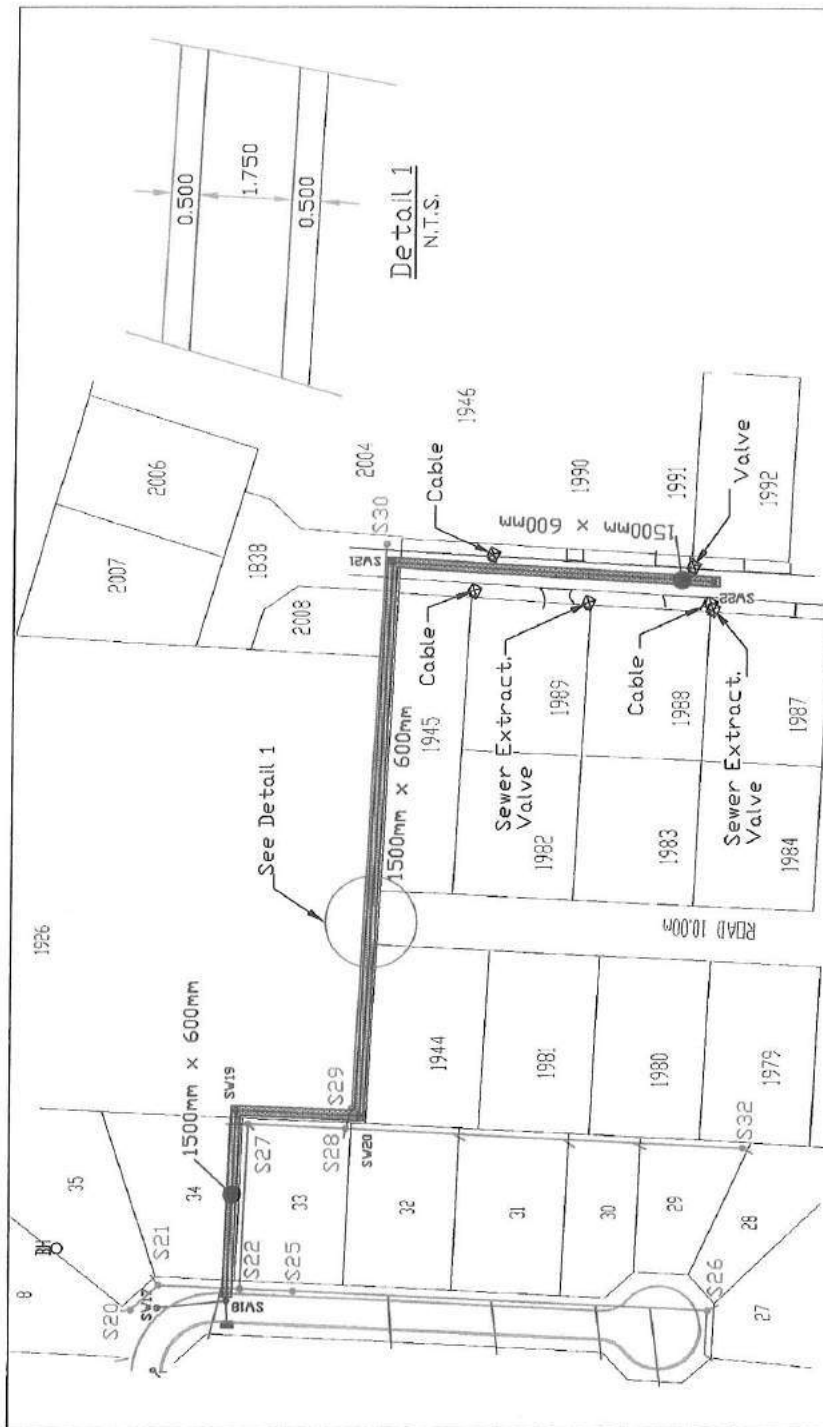
**Branch Offices:**


**Ceres:**  
Tel: 023 316 1063  
**Stellenbosch:**  
Tel: 021 882 8620/2  
**Athlone:**  
Tel: 021 633 9616  
**Maitland:**  
Tel: 021 687 3116  
**Hermanus:**  
Tel: 028 312 2202

**Directors:**

B. Sydow, PrEng. (Chairman)  
W.M.E. Van Deijl, PrEng.  
P.J. Van Blerk, PrEng.  
M. Cerfonteyn, PrEng.  
M.M. Kriel, Eng Tech.

Reg No: 1999/008/261/07



Address / Site No. 1451 & 1452 Street 7 Vermont 05400 Phone: 802-253-2222 Fax: 802-253-2222 Email: info@visser.com Website: www.visser.com	 J. VISSE & W. BEINEKE	Client - Client JOHAN VISSER & WILFRED BEINEKE	Project - Project ERF 1451 & 1452, VERMONT	Planbeskrivning - Plan Description STORMWATER & SEWERAGE LOCATION	Skala / Scale 1:1 000
					Plan Nr./No. BC/13

Spronk Lorton Clark & Associates

1252/98

SPRONK O.V.

**Components:**

1. The figure AefD represents Erf 1836 Vermont, vide GP 1680/1996, annexed to D/T
2. The figure eBCf represents Erf 1925 Vermont, vide Dgm. No. 4219/1999, annexed to D/T 2000-34133

S.G. No.

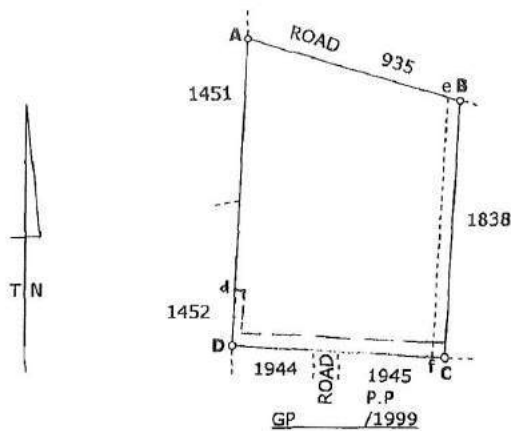
5045/1999

Approved

*A. Bladen*

Surveyor-General

27-9-1999



Scale 1: 2 000

**The figure A B C D**

represents 1.0011 Hectares of land, being

**ERF 1926 VERMONT (Comprising 1 and 2 as above)**

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Professional Land Surveyors *PF SPRONK* (PLS 0779) *NA Clark* (PLS 1072)

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File No. S/10350/2  
S.R. No. Compiled  
Comp. AI-3CB/X23(437)

S B

EASEMENTS AND ENCUMBRANCES				
SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
1670/2008	8571/2008	The line <u>da</u> represent the western boundary of a 3m service and access servitude.		
		The line <u>bc</u> represent southern boundary of a 5m service & access servitude.		